

CHARTER
FOR THE
CITY AND COUNTY
OF
SAN FRANCISCO
1883.

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CHARTER

FOR THE

CITY AND COUNTY

OF

SAN FRANCISCO

PROPOSED BY THE

BOARD OF FREEHOLDERS,

Elected in pursuance of the provisions of Section 8, Article XI, of the Constitution of the State of California.

SAN FRANCISCO :

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1883.

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Board of Freeholders.

JOHN S. HAGER, PRESIDENT.

JAMES B. STETSON,	GEO. T. MARYE, JR.,
FISHER AMES,	W. F. McNUTT,
A. J. BRYANT,	IRA P. RANKIN,
W. C. BURNETT,	N. B. STONE,
E. N. TORREY,	JOHN F. SWIFT,
PATRICK HARRINGTON,	ROBERT TOBIN,
CHAS. KOHLER,	RUSSELL J. WILSON.
A. E. T. WORLEY, Secretary.	

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CHARTER

*Prepared and proposed for the City and County of
San Francisco*

BY THE

BOARD OF FIFTEEN FREEHOLDERS

Elected November 7, 1882, in pursuance of the provisions of Section 8, Article XI, of the Constitution of the State of California.

ARTICLE I.

Boundary and Rights, Duties and Liabilities of the Municipality.

CHAPTER I.

SECTION 1. The corporation, or body politic and corporate, now existing, and known as the City and County of San Francisco, shall remain and continue to be a body politic and corporate, in name and in fact, by the name of the City and County of San Francisco, and by that name, shall have perpetual succession, may sue and defend in all courts and places, and in all matters and proceedings whatever, and may have and may use a common seal, and the same may alter at pleasure, and may purchase, receive, hold and enjoy real and personal property within and without the City and County of San Francisco, and sell, convey, mortgage and dispose of the same for the common benefit; receive bequests, gifts and donations of all kinds of property within and without the city, and county in fee simple and in absolute ownership, or in trust for charitable or other purposes, and do all acts necessary to carry out the purposes of such gifts, bequests and donations, with power to manage, sell, lease, or otherwise dispose of the same, in accordance with the terms of the gift, bequest or trust; and such corporation, shall not be deemed or construed to be a new or different corporation from the present existing one, with all its rights and liabilities remaining in full force and effect.

The boundaries of the City and County of San Francisco shall be as follows:

Beginning at the southwest corner of the City and County of San Francisco, being the northwest corner of San Mateo County in the Pacific Ocean, and on the line of the western boundary of the State of California, three miles from shore, and also on the extension of the northern line of township three (3), South of Mount Diablo Base and Meridian; thence northerly along the western boundary of the State of California, to the southwest corner of Marin County, as now established by Section 3957 of the Political Code; thence to the westerly extension of low water line on the northern side of the entrance to San Francisco Bay, and on the south line of Marin County; thence easterly through Point Bonita and Point Caballo, (or Cavallo,) to the most southeastern point of Angel Island, all on the southern line of Marin County, as now established in said Section 3957 of the Political Code; thence northerly along the easterly line of Marin County to the northwest point of Golden Rock (also known as Red Rock), being a common corner of Marin, Contra Costa and San Francisco counties; thence due southeast four and one-half miles, more or less, to a point distant three statute miles from the natural high water mark on the eastern shore of San Francisco Bay, being a common corner of Contra Costa, Alameda and San Francisco counties; thence southerly and southeasterly and along the western boundary of Alameda County, as now established by Section 3953 of the Political Code, to a point on the extension of the northern line of township three (3) South of Mount Diablo Base and Meridian (considered as extended across said Bay); thence west along the line last above named to the place of beginning.

The Islands in said Bay, known as Alcatraces and Yerba Buena, and the Islands in said Ocean known as Farallones, shall be attached to and form a part of said city and county.

SEC. 2. The public buildings, lands and property, all rights of property and rights of action, all moneys, revenues, and income belonging or appertaining to the City and County of San Francisco, are hereby declared to be vested in the said City and County of San Francisco.

SEC. 3. The said City and County of San Francisco shall continue to have, hold and enjoy all public buildings, lands and property, real and personal, rights of property, rights of action, suits and actions, money, revenue, income, books, documents, records, archives, claims, demands, and things in possession and action of every nature and description, and shall be liable to all its debts, liabilities, dues and duties.

SEC. 4. Suits, actions and proceedings may be brought in the name of the said city and county, for the recovery of any property, money or thing belonging thereto, or dedicated to

public use therein, or the enforcement of any rights or contracts with said city and county, whether made or arising or accruing either before or after the adoption of this Charter, and all existing suits, actions and proceedings in the Courts or elsewhere shall be continued to be carried on by or against the said city and county; and in any suits or actions to which the said city and county may at any time be a party, or on appeal from any judgment rendered therein, or in any legal proceedings of any kind whatsoever, the said city and county shall not be required to file or execute any bond or undertaking of any kind, but in all cases where a bond or undertaking is required by law, the said city and county shall have and enjoy the same rights, privileges and benefits as fully in all respects as if such bond or undertaking had been executed or filed by the said city and county.

CHAPTER II.

OF WARDS.

SECTION 1. The City and County of San Francisco is hereby divided into twelve wards, the lines and boundaries of which are fixed and defined as follows:

The First Ward shall be bounded on the north by Sacramento street; on the east by the Bay of San Francisco; on the south by Harrison street; and on the west by Third and Kearny streets.

The Second Ward shall be bounded on the north by Sutter street; on the east by Kearny and Third streets; on the south by Harrison street; and on the west by Fifth to Market, Market to Mason, and Mason to Sutter street.

The Third Ward shall be bounded on the north by Sutter street; on the east by Mason to Market, Market to Fifth, Fifth to Harrison street; on the south by Harrison street; and on the west by Seventh to Market, Market to McAllister, McAllister to Leavenworth, Leavenworth to Sutter street.

The Fourth Ward shall be bounded on the north by Sutter street; on the east by Leavenworth to McAllister, McAllister to Market, Market to Seventh, Seventh to Bryant street; on the south by Bryant street; and on the west by Eleventh street to Market, Market to Van Ness avenue, Van Ness avenue to Sutter street.

The Fifth Ward shall be bounded on the north by Vallejo street; on the east by the Bay of San Francisco from Vallejo to Sacramento street; on the south by Sacramento to Kearny, Kearny to Sutter, Sutter to Powell street; and on the west by Powell to Vallejo street.

The Sixth Ward shall be bounded on the north and north-east by the Bay of San Francisco; on the south by Vallejo to Powell, Powell to Sutter, Sutter to Jones street; and on the west by Jones street to the Bay of San Francisco.

The islands in the Pacific Ocean known as the Farallones, and the islands in the Bay of San Francisco known as Alcatrazes and Yerba Buena, shall be included in and form a part of the said Sixth Ward.

The Seventh Ward shall be bounded on the north by the Bay of San Francisco and the Pacific Ocean; on the east by Jones street; on the south by Sutter street to Van Ness avenue, Van Ness avenue to Washington street, Washington street to the southerly line or boundary of the Presidio Reservation, thence along said southerly line or boundary to the southwesterly corner of the said Presidio Reservation; and on the west by the westerly boundary of the said Presidio Reservation and the Pacific Ocean.

The Eighth Ward shall be bounded on the north by the Pacific Ocean to the westerly line or boundary of the Presidio Reservation, along said westerly line to the southerly boundary of the said Presidio Reservation, and by the southerly boundary of the said Presidio Reservation and Washington street; on the east by Van Ness avenue to Eddy street; on the south by Eddy to Broderick, Broderick to Turk, Turk to First avenue, First avenue to B street, and B street to the Pacific Ocean; and on the west by the Pacific Ocean.

The Ninth Ward shall be bounded on the north by B street to First avenue, First avenue to Turk, Turk to Broderick, Broderick to Eddy, Eddy to Van Ness avenue; on the east by Van Ness avenue to Market, Market to Guerrero, Guerrero to Eighteenth street; on the south by Eighteenth street, a straight line drawn from the westerly extremity of Eighteenth street to the easterly extremity of L street, and L street to the Pacific Ocean; and on the west by the Pacific Ocean.

The Tenth Ward shall be bounded on the north by L street, a straight line drawn from the easterly extremity of L street to the westerly extremity of Eighteenth street, Eighteenth street to Guerrero, Guerrero to Market, and Market to Eleventh street; on the east by Eleventh to Howard, and Howard street extended to Army, Army to Mission street, Mission street to the old County Road, and the old County Road to the southerly boundary of the city and county; on the south by the southerly boundary of the said city and county to the Pacific Ocean; and on the west by the Pacific Ocean.

The Eleventh Ward shall be bounded on the north by Eleventh street to Bryant, Bryant to Seventh, Seventh street to Pennsylvania avenue, Pennsylvania avenue to Islais Creek

Channel, and Islais Creek Channel to the Bay of San Francisco; on the east by the Bay of San Francisco; on the south by the southerly boundary of the City and County of San Francisco; and on the west by the old County Road, Mission street to Army, Army to Howard street extended, Howard street extended and Howard street to Eleventh street.

The Twelfth Ward shall be bounded on the north by Harrison street; on the east by the Bay of San Francisco; on the south by Islais Creek Channel; and on the west by Pennsylvania avenue and Seventh street.

SEC. 2. The Supervisors shall, in the year 1890, and every tenth year thereafter, re-district the city and county into twelve wards. The wards shall be made as nearly equal in population and as geographically compact as possible; and the division shall be made in such manner as to make the population in the several wards as nearly equally divided between the political parties as possible.

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ARTICLE II.

Of the Legislative Department.

CHAPTER I.

SECTION 1. The Legislative power of the City and County of San Francisco shall be vested in two Boards of Supervisors or Houses of Legislation, one of which shall be styled the Board of Aldermen and the other the Board of Assistant Aldermen. Said Boards, taken together, shall constitute the Boards of Supervisors of the City and County of San Francisco, but may be designated, styled and known as the "Supervisors" of said city and county.

The powers of the Supervisors are those expressly granted in this Charter.

SEC. 2. The Board of Aldermen shall consist of twelve persons, who shall be elected by general ticket from the city and county at large, by the qualified voters thereof, at the election hereinafter provided for, and shall hold office for the term of four years, subject to the exception stated in the next section, by which they shall be so classified that after the first election only six shall be elected every two years. Every member of the Board of Aldermen shall be a qualified elector, at least thirty years of age, and shall have been a citizen of this State, and an inhabitant of the city and county for at least five years, next before the day of his election.

SEC. 3. Of the members of the Board of Aldermen first elected, under this Charter, the six receiving the highest number of votes shall hold their office for four years, and the other six for only two years, and in case of a tie vote at the first election the right to hold for two years or for four years shall be determined by lot between the contestants. At each election thereafter, members of the Board of Aldermen shall be elected to succeed those whose terms are about to expire.

SEC. 4. The Board of Assistant Aldermen shall consist of one member from each ward who shall have been a resident therein for at least two years, to be elected likewise by general ticket every two years by the qualified voters of the city and county at large at the election herein provided for, and they shall hold office for the term of two years. The qualifications of members of the Board of Assistant Aldermen shall be the same as those herein prescribed for members of the Board of Aldermen.

SEC. 5. No person shall be eligible as a member of the Board of Aldermen or Board of Assistant Aldermen who shall have been convicted of malfeasance in office, bribery, or any other infamous crime, and any such conviction during his term of office shall cause the forfeiture of his seat in the said Board, and the vacancy shall be filled as in other cases.

SEC. 6. Any vacancy occurring in the office of Alderman or Assistant Aldermen shall be filled by the Mayor, and the person so selected by him shall possess the qualifications herein above prescribed for the members of either of said Boards, and shall hold office for the unexpired term. .

SEC. 7. The Boards shall meet in separate chambers, and the majority of all the members elected or appointed to each shall be a quorum; but a smaller number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as each Board may prescribe.

SEC. 8. Each Board shall:

First—Choose a President from its own members, and when chosen he can be removed before the expiration of his term as Alderman or Assistant Alderman only by the vote of three-fourths of all the members of the Board of which he shall have been chosen President.

Second—Appoint a Clerk, and when authorized to do so by ordinance, such other clerks—not exceeding three for the Aldermen, and one for the Assistant Aldermen, and one Messenger for each Board—as may be found necessary for the transaction of business.

Third—Determine the rules of its own proceedings.

Fourth—Be the judge of the qualifications and election returns of its own members.

Fifth—Keep a journal of its proceedings, and allow the same to be published, and the yeas and nays of the members on any question shall, at the desire of any member, be taken and entered therein.

Sixth—Have authority to punish its members for disorderly or contemptuous behavior in its presence during its session, and to expel any member with the concurrence of two-thirds of the members elected or appointed to the Board, specifying in the order of expulsion the cause thereof. Every member expelled from either Board shall thereupon forfeit all his rights and powers as Alderman or Assistant Alderman.

Seventh—Have power to compel attendance of witnesses and production of papers pertinent to any business before the Board. All sessions, meetings and proceedings of either Board shall be open to the public.

SEC. 9. The Boards shall each meet upon the first Monday of each month, or if that day shall be a legal holiday, then upon the succeeding day, and neither Board shall, without the consent of the other, adjourn for more than seven days at any one time, or to any other place than that in which the two Boards may be sitting. They shall also meet at such times as are otherwise provided for in this Charter.

SEC. 10. The Clerk of the Board of Aldermen shall hold office during the pleasure of the Board. He shall have power to administer oaths and affirmations in all cases pertaining to his duties and the affairs of his office without charge for the same, and shall perform such other services as shall be prescribed by the Board. He shall, by virtue of his office, be Clerk of the Supervisors, and shall perform all of the duties of Clerk of the Supervisors except such as are assigned or appertain to the Clerk of the Board of Assistant Aldermen, without additional compensation to that paid him as Clerk of the Board of Aldermen. It shall be his duty to keep in his custody the seal of the City and County, and all leases, grants, deeds of conveyance, and other documents, records and papers not specially pertaining or applying to the Board of Assistant Aldermen; and his signature shall be necessary to all leases, grants, contracts and conveyances; he shall also keep and retain in his custody all resolutions and ordinances of the city and county after the same shall have received the approval of the Mayor, or otherwise become valid under this Charter; it shall be his duty to keep open for inspection at all reasonable times, any and all papers and

documents, instruments, records, resolutions or ordinances in his custody, and to furnish copies thereof certified under his name and the seal of the City and County, to all persons demanding the same and paying therefor the proper fees.

SEC. 11. The Clerk of the Board of Assistant Aldermen shall hold office during the pleasure of the Board. He shall have power to administer oaths and affirmations in all cases pertaining to his duties and the affairs of his office without charge for the same, and to certify and authenticate copies of all records, papers and documents in his official custody to all persons demanding the same, and paying therefor the proper fees, and shall perform such other services as shall be prescribed by the Board. It shall be his duty to keep open for inspection at all reasonable times the records and minutes of the proceedings of the Board, and all documents in his official custody.

SEC. 12. No member of the Supervisors shall, hold any other office, Federal, or State or Municipal, nor shall he be an employee of the City and County, or of either of the said Boards in any capacity whatever, and no claim for compensation shall be audited or paid for services as such officer or employee, nor shall he directly or indirectly be interested in any contract with the city and county, or any Department or institution thereof, nor shall he advance moneys or furnish material or supplies for the performance of any such contract, nor shall he either directly or indirectly, recommend, solicit, advise, request, or in any manner use his influence to obtain the appointment of any person to any office, position, place or employment under the city and county government, or any department, board, or officer thereof. A violation of any of the provisions of this Section shall cause a forfeiture of his office.

SEC. 13. Every Legislative Act of the city and county shall be by ordinance. The style of ordinance shall be: "*Be it ordained by the Supervisors of the City and County of San Francisco, as follows:*" No ordinance shall be passed, except by bill, and no bill shall be so amended in its passage through either Board as to change its original purpose.

SEC. 14. No bill shall become an ordinance unless on its final passage a majority of the members elected or appointed to each Board vote in its favor, and the vote be taken by yeas and nays, and the names of the members voting for and against the same be entered in the Journal.

SEC. 15. No amendment to bills by either Board shall be concurred in by the other, except by a vote of the majority of the members elected or appointed thereto, taken by yeas

and nays and the names of those voting for and against, recorded in the Journal thereof, and reports of committees of conference shall be adopted in either Board only by the vote of the majority of the members elected or appointed thereto taken by yeas and nays, and the names of those voting recorded in the Journal.

SEC. 16. No ordinance shall be revised, re-enacted or amended by a reference to its title ; but in such case the ordinance revised or re-enacted, or the section thereof amended, shall be re-enacted at length, as revised, re-enacted or amended.

SEC. 17. Every ordinance shall embrace but one subject which shall be expressed in its title, but if any subject shall be embraced in an ordinance which shall not be expressed in its title, such ordinance shall be void only as to so much thereof as shall not be expressed in its title.

SEC. 18. When a bill is put upon its final passage in either Board, and fails to pass, and a motion is made to reconsider the vote by which it was defeated, the vote upon such motion to reconsider shall be immediately taken, and the subject finally disposed of before the Board proceeds to any other business.

SEC. 19. No ordinance shall take effect or go into force until ten days after its approval unless it is otherwise expressed in the said ordinance.

SEC. 20. Every bill, after it shall have passed the two Boards, shall be signed by the presiding officer of each of the Boards in open session in authentication of its adoption by said Board. In signing such bill for authentication the presiding officer shall call the attention of the Board to the bill, and that he is about to sign it, and if any member request, the bill shall be read at length for information as to its correctness as enrolled. If any member shall object that the bill is not the same in substance and form as when considered and passed by the Board, such objection shall be passed upon, and if sustained, the presiding officer shall withhold his signature and the bill shall then be corrected and signed before the Board proceeds to any other business.

SEC. 21. Every bill which shall have passed the two Boards and been authenticated as provided for in the last section, shall be presented to the Mayor for his approval. The Mayor shall return such bill to the Board in which it originated within ten days after receiving it. If he approve it, he shall sign it, and it shall then become an ordinance. If he disapprove it, he shall specify his objections thereto in writing. If he do not return it with such disapproval within the time above specified, it shall take effect as

if he had approved it. The objections of the Mayor shall be entered at large on the Journal of the Board in which such bill originated, and the Board shall cause them to be immediately published in the official newspaper. The Board to which said bill shall have been returned with the objections of the Mayor, shall, after five days and within twenty days after such bill shall have been so returned, proceed to reconsider and vote upon the same, and if the same shall upon reconsideration, be again passed by both Boards by a vote of at least three-fourths of all the members elected or appointed to each Board, it shall take effect; but if the bill shall fail to receive upon the first vote thereon in either Board such number of affirmative votes it shall be deemed finally lost. In all cases the votes shall be taken by yeas and nays and the names of the persons voting for or against its passage on such reconsideration shall be entered in the Journals of each Board; and if three-fourths of all the members elected or appointed to each Board vote in the affirmative, the presiding officers of the respective houses shall certify that fact on the bill, attesting the same by their signature, and when thus certified, the bill shall become an ordinance with like effect, as if it had received the approval of the Mayor.

SEC. 22. All ordinances and resolutions shall be deposited with the Clerk of the Supervisors, who, after recording the same at length in a suitable book provided therefor, shall preserve the same in the archives of his office.

SEC. 23. No general appropriation bill shall ever be passed, but every appropriation shall be for the specific amount of the claim to be paid, and no more; and each ordinance authorizing the payment of money shall contain one claim only which shall be expressed in the title. Every ordinance providing for any specific improvement, the granting of any privilege or involving the lease or appropriation of public property, or the expenditure of public moneys (except for sums less than five hundred dollars) or levying any tax or assessment, and every ordinance imposing a new duty or penalty shall, after its introduction in either Board, be published with the yeas and nays in the official newspaper at least five successive days before final action upon the same by the Board in which it was introduced; and in case such ordinance shall be amended before final passage in said Board, then the bill as amended shall be so published in the same manner and for a like period of time before final action by such Board thereon.

CHAPTER II.

LIMITATION OF POWER.

SECTION 1. It is declared to be the intent and purpose of this Charter that the income and revenue provided by the Supervisors from taxation, licenses, fines, and such other sources as they may lawfully draw upon, and actually collected and paid into the Treasury, for each and every fiscal year, shall pay the interest and provide for the Sinking Funds of all legally contracted funded debts valid and outstanding at the time this Charter takes effect, (which are made preferred claims over all others) and shall maintain the city and county Government and pay all the expenditures thereof of every possible nature and description during such fiscal year; and that no expenditures, debts or liabilities shall be made, contracted or incurred during any fiscal year that cannot be so paid.

Said city and county shall not, nor shall the Supervisors, the Board of Education, or any other Board, Department or authority, for or on behalf, of said city and county, or any district, sub-division or portion thereof, make, contract or incur during any fiscal year any expenditure, indebtedness or liability in any manner or for any purpose which cannot, together with the interest and sinking funds of all legally contracted funded debts then existing, and together with all the other expenditures, indebtedness and liability up to such time made, contracted or incurred during such fiscal year, be paid out of the income and revenue actually provided, collected and paid into the Treasury as the income and revenue for such fiscal year; or which, taken together with all the other expenditures, indebtedness and liabilities up to such time incurred within the fiscal year current and pending when such indebtedness or liability is contracted or incurred, or attempted to be contracted or incurred, together with the necessary payments for interest and sinking funds as aforesaid, shall exceed the income and revenue provided, collected and actually paid into the Treasury, as and for the income and revenue of such fiscal year. Any and all contracts, indebtedness or liabilities incurred, or attempted to be incurred, contrary to the provisions of this Section, shall be void, and shall not be paid out of the Treasury, nor shall they be deemed to constitute or lay the foundation of any claim, demand or liability, legal, equitable or otherwise, against the said city and county, but in such case the Auditor, if it shall be proved that he has given an untrue or incorrect certificate, as required by section 12 of this chapter, and each Supervisor, School Director or other officer or member of any

Board, Department or authority voting to authorize or incur such expenditure, demand or liability upon its final passage, or having otherwise wilfully contributed to the authorization, incurrence or approval of the same shall be liable in his individual capacity, as well as upon his official bond, to the holder of such claim for payment thereof. The terms expenditures, indebtedness and liabilities herein used are intended to include official salaries and the pay of all employees of said city and county, or any of its departments, and every possible payment of money from the Treasury for any purpose.

SEC. 2. No part of the income or revenue provided for any particular fiscal year shall ever be applied in payment of any indebtedness or liability incurred during any previous fiscal year, the interest and Sinking Funds upon the lawfully contracted and funded City and County debt alone excepted.

The fact that a demand against the Treasury was incurred during any particular fiscal year, and that the income and revenue provided, collected and paid into the Specific Fund to be charged therewith as the portion of income and revenue provided for such Specific Fund for such year has been in any manner exhausted, leaving such demand unpaid, shall be conclusive as to the invalidity of such demand, so far as said city and county is concerned, and the Auditor and Treasurer, if either of them has in any manner failed in his duty, as provided in this Chapter, and each Supervisor, School Director or other officer or member of any Board, Department or authority voting to authorize or incur such expenditure or liability upon its final passage, or having otherwise wilfully contributed to the authorization, incurrence or approval of the same, to the prejudice or injury of the holder of such demand, shall be severally and respectively liable in person, and upon their respective official bonds, to make good to such holder any loss resulting from their respective official neglect or misconduct. All Boards, Departments, officers, deputies, clerks and employees of said city and county, and all dealers, purveyors, contractors, bidders and others performing work or services or furnishing material, supplies or other thing, or having or seeking business or dealings of any kind or nature whatsoever with said city and county, or any of its Boards, Departments or officers, are hereby directly and specifically informed and made to know and charged with notice of the provisions of this Chapter.

SEC. 3. Any claim or demand against the Treasury, or any fund thereof remaining unpaid at the end of the fiscal year for want of money, and which would be valid but for such cause, shall hold good as to any money which may subsequently

come into the proper fund in the Treasury, as delinquent taxes or other uncollected income or revenue for such year, but for no other purpose, as against said city and county. Such claims shall be paid out of such delinquent revenue, for such fiscal year, when collected, in the order of their date of creation, or incurrence, and in accordance with the rules laid down in this Charter as to the various Specific Funds required by law to be kept in said Treasury.

SEC. 4. It shall not be lawful for the Supervisors, the Board of Education or any other Board, Department or officer to give preference in favor of one claim over another against the same Specific Fund in the authorization, allowance or approval thereof; but claims shall be acted upon, and either allowed or rejected in the order in which they accrue and are presented.

SEC. 5. The fiscal year of said city and county shall begin on the first day of July and end on the thirtieth day of June, following. The records, accounts and books of the Supervisors and all boards, departments and officers having anything to do with the incurring of expenditures, indebtedness or liabilities, or of authorizing, certifying, allowing, approving or in any manner passing upon claims or demands upon the Treasury, or any of its Specific Funds, shall make distinct rests, and balances, in the records, books and proceedings at the end of each fiscal year, and shall commence anew with the next fiscal year.

SEC. 6. Every act, ordinance or resolution of the Supervisors, or any other Board, Department or authority, authorizing or providing for the payment of any claim or demand against the Treasury, or any Specific Fund thereof, in addition to the other proceedings, entries and endorsements upon the same required by any of the provisions of this Charter, shall set forth, and show on the face of such demand, ordinance or authorization, the name of the Supervisors, Board, Department or authority authorizing the same, the fiscal year in which the same was incurred and out of the income and revenue of which it is alone payable, the name of the Specific Fund and the number of the claim as to such Specific Fund, for such fiscal year, commencing the fiscal year with No. 1 of the Specific Fund upon which it is drawn, which shall be its special number. Each ordinance may have a general number in addition to the special number which shall likewise commence and end with the fiscal year and shall embrace the whole number of ordinances or resolutions for the year. Each demand shall likewise have written or printed upon it a statement showing that the same can only be paid out of the income and revenue provided, collected and paid into the proper Specific Fund in the Treasury for the fiscal year in

which it was incurred, and shall refer to Chapter II of this Article.

SEC. 7. It shall be the duty of the Auditor to keep an official register of all claims against the various Specific Funds in the Treasury presented to him for allowance or audit, entering them therein as soon as presented, and numbering them in the order of their presentation as to such Specific Fund, and shall show the special number of the demand as acted upon by the Supervisors or the Board, Department or authority authorizing the same and to act upon and allow or reject the same in the order of their priority as to payment. He shall not allow or approve any claim out of its order or give priority to one claim over another claim drawn upon the same Specific Fund, to the prejudice of such other, unless such claim be entitled thereto. A transcript of the Auditor's register of claims shall be by the Auditor furnished and delivered to the Treasurer, so that he shall at all times know what claims are pending or have been allowed against each Specific Fund.

SEC. 8. Every lawful demand upon the Treasury, duly audited as in this Charter required, shall in all cases be paid on presentation, and cancelled with a punch cutting the word "cancelled" therein, and the proper entry thereof be made, if there be sufficient money in the Treasury belonging to the Specific Fund out of which it is payable and applicable to the payment of such demand under the provisions of this Chapter; but if there be not sufficient money belonging to said Specific Fund and so applicable, then it shall be registered in a book kept for that purpose by the Treasurer. The register to be kept by the Treasurer shall show the special number given by the Supervisors or other authority, and also by the Auditor to each claim presented, also when presented, the date, amount, name of original holder and on what account allowed and out of what Specific Fund payable, and being so registered shall be returned to the party presenting it, with an endorsement of the word "registered," dated and signed by the Treasurer, *provided* that no claim or demand presented to the Treasurer after the close of the Fiscal year, during which such claim or demand was contracted or incurred, shall ever be registered or entitled to registration; but the fact that any claim or demand is not registered shall not affect its right to payment out of any money then in the proper Specific Fund in the Treasury or which should afterwards come into the proper Fund out of the income and revenue of the proper Fiscal year, and applicable to the payment thereof, as provided in this Chapter, and, *provided, further*, that the registration of any claim or demand shall not operate in any manner to recognize or make valid such claim or demand if incurred in contraven-

tion of any of the provisions of this Charter. The Treasurer shall not give or allow priority in payment of one claim over another claim drawn upon the same Specific Fund, or pay claims out of their order to the detriment, delay or injury of the holder of any claim.

SEC. 9. If the Auditor refuses or omits to approve or allow any claim or demand when presented to him, which has been regularly authorized approved and allowed by the Supervisors, the Board of Education or any other authority having power to contract or incur liabilities against the Treasury, and which is shown to have been regularly passed upon, authorized and approved by all the authorities necessary to constitute a valid claim under this Charter, except the Auditor alone, and drawn upon the proper Specific Fund, and in all respects legal in substance and form, and which only lacks the allowance of the Auditor to entitle the same to payment out of the Treasury, and out of the Specific Fund upon which it is drawn, all of which must appear upon its face, then, and in such case the holder of such claim may serve a certified copy thereof, with the proceedings had thereon, upon the Treasurer, who shall at once set aside and reserve a sum out of the appropriate Specific Fund sufficient to liquidate said claim, should it finally prove valid, if there be money in such Specific Fund, which would be lawfully applicable to such payment if allowed by the Auditor, and if there be no such money, then out of any money that may afterwards come into such Fund as its portion of the income and revenue of the Fiscal year in which such claim was incurred and applicable to such payment under the provisions of this Chapter. Such money shall remain in reserve till the question of the validity of the claim is determined, and the holder of any valid audited claim against the same Specific Fund subsequent in time, payment of which is delayed by reason of such reservation shall have the right to contest the same as a party in interest.

SEC. 10. It shall not be lawful for the Supervisors, Board of Education, or for any Board or authority having power to incur, authorize or contract liabilities against the Treasury of said city and county, to incur, authorize, allow, contract for, pay, or render payable, in the present or future, in any one month, any expenditure, demand or demands against said Treasury, or any of the Specific Funds thereof, which taken with all other expenditures, indebtedness or liability made or incurred up to the time in such month, of making or incurring the same which shall exceed one-twelfth part of the amount of money provided by the Supervisors, and actually collected and paid into the Specific

Fund, as and for the income and revenue of the fiscal year during which such liability, expenditure or demand is incurred, and apportioned to the Specific Fund, to be charged therewith and allowed by law in force at the time such expenditure is made or liability incurred, to be expended out of such Specific Fund as the money apportioned to the same for such fiscal year; but this provision shall not apply to such appropriations as from their nature are not continuous or running expenses, but are intended to be, and can be lawfully made in single payments or sums. If at the beginning of any month any money remains unexpended in any of the Specific Funds set apart for maintaining the Municipal Government, and which might lawfully have been expended the preceding month, such unexpended sum or sums, except so much thereof as may be requisite to pay all valid unpaid claims upon such Specific Fund, may be carried forward in the same Specific Fund and expended by order of the Supervisors in any succeeding month of such fiscal year, but not afterwards, except in payment of claims lawfully incurred during such fiscal year; and all officers and others are charged with notice of the condition of the Treasury of said city and county, and of the extent of the claims against the same. The Auditor, should he give an incorrect or untrue certificate when called upon to act as provided by Section 12 of this Chapter, and thus permit the authorizing or allowing of any claim or demand upon or against said Treasury, or any Specific Fund thereof, in violation of any of the provisions of this section, and each Supervisor, School Director or other officer or member of any Board, Department or authority voting to authorize or incur such expenditure or liability upon its final passage, or having otherwise wilfully contributed to the authorization, incurrence or approval of the same shall be liable in person, and upon his official bond, to the contractor or person damaged by such illegal authorization, to the extent of his loss by reason of such action.

SEC. 11. The limitations in the preceding section contained upon the payment of money, or the incurring of any debt or liability, shall not apply in case of any great public necessity or emergency; but in such cases, such limitations may be temporarily suspended as to any lawful contract, authorization or expenditure necessary to provide for such necessity or emergency; *provided*, that such expenditure, contract or authorization shall only be made by ordinance, passed by the unanimous vote of all members elected or appointed to said Boards of Supervisors, and entered in the Journals of the Boards of Supervisors respectively, and

the character of such necessity or emergency shall be recited in the ordinance authorizing such action, and such ordinance must be approved in writing by the Mayor, Auditor and Treasurer of said city and county; but nothing in this exception or proviso shall be deemed to allow of the incurring of liabilities against the Treasury or any Specific Fund thereof, not allowed by law, or which cannot be paid out of the income and revenue provided, collected and paid into the proper Specific Fund as the proportion of the same for such fiscal year, or to permit liabilities or indebtedness incurred in any one fiscal year to be a charge upon or paid out of the income or revenue of any other fiscal year.

SEC. 12. All ordinances or resolutions appropriating money or incurring any indebtedness or liability against the Treasury or any Specific Fund thereof introduced in either of the Boards of Supervisors, or in the Board of Education, or other Department or authority, shall, before being passed, be referred to the appropriate standing committee, who shall present the same to the Auditor, in order that he may certify if such be the fact that such an appropriation can be made or indebtedness incurred without violating any of the provisions of this Chapter; and until the Auditor shall so certify in writing upon such claim, ordinance or resolution, no further action shall be had upon the same; *provided*, that such certificate of the Auditor shall not take the place of or affect the allowance of such claim and final action of the Auditor thereupon as in this Charter elsewhere provided.

SEC. 13. Neither the City and County of San Francisco, nor the Supervisors, Board of Education, or any other Department or authority, shall ever have power to legalize, allow, make valid, or in any manner recognize any claim or demand against the city and county, or its Treasury, which was not at the time of its incurrence or creation a valid claim against the same, and authorized by law; nor shall they, nor any of them, ever allow or authorize to be paid, or in any manner recognize any claim or demand which, without such action, would be invalid, or which shall then be barred by any statute or law of limitation, or for which said city and county was never legally liable, and any act or proceeding in contravention of this Section shall be void.

SEC. 14. Any taxpayer of said city and county may maintain an action to restrain or prevent any Board, Department, officer or authority from incurring, authorizing, allowing or paying any demand or liability against the Treasury, or any Specific Fund thereof, in contravention of any of the provisions of this Charter, or to compel the return of and payment to the Treasury of any sum so paid out.

CHAPTER III.

OF TAXATION AND SPECIFIC FUNDS.

SECTION 1. The expenditures of, and the debts and liabilities against, the city and county, payable out of Specific Funds, shall only be paid as is limited and controlled by the provisions of this Chapter, anything in this Charter to the contrary notwithstanding. No Department, Board or officer shall make any expenditure, or authorize or incur any liability against the Treasury or any Specific Fund therein, unless expressly authorized so to do by an ordinance of the Supervisors, made in pursuance of law and of the express powers granted by this Charter.

SEC. 2. The income and revenue provided, collected and paid into said Treasury shall be kept in separate Specific Funds as hereinafter provided: and it shall not be lawful to transfer money from one Fund to another Fund, or to use the same in the payment of demands upon another Specific Fund.

Nor shall any surplus remaining in the Treasury at the end of any fiscal year be carried over to any future year except as otherwise expressly provided in this Chapter, so long as any unpaid funded debt of said city and county remains outstanding, but all such moneys shall be applied under such regulations as the Supervisors may prescribe for the liquidation of such funded debt, after which any surplus in the Treasury at the end of any fiscal year shall be carried forward to the credit of, and be used during, the following year.

SEC. 3. On or before the last Monday of May in each year the Auditor shall prepare and transmit to the Supervisors, accompanied with the estimates and reports of each department, which he shall require to be delivered to him, an estimate of the probable necessities of the city and county Government for the next ensuing fiscal year, giving the amount required to meet the interest and sinking funds for any and all valid outstanding funded debts, together with the amount needed for salaries and the probable wants of all the departments of the municipal government in detail, and showing specifically the necessities of each of the several Specific Funds to be provided for in the Treasury. The estimate shall also show, as nearly as may be, what amount of income and revenue is likely to accrue to the Treasury, and be collected from fines, licenses, and all other sources of revenue, exclusive of taxes upon property, and shall give an estimate of what amount will be required to be levied and raised by tax upon all property in said city and county subject to taxation, in order to meet the necessities of such fiscal year.

SEC. 4. On or before the first Monday of June in each year the Supervisors shall levy the amount of taxes for city and county purposes required by law to be levied upon all property not exempt from taxation, said amount to be such as the said Supervisors may deem sufficient to provide for the payment of all demands upon the Treasury thereof, authorized by law to be paid out of the same; *provided*, that from and after the taking effect of this Charter and until the fiscal year beginning July 1st, 1891, the total amount of annual income and revenue, exclusive of State taxes and exclusive also of the tax to raise the amount necessary for the payment of the interest, and for the maintenance of the several Sinking Funds on the bonded indebtedness of the city and county that shall be provided and raised by the Supervisors for all city and county purposes, by taxation upon all property in said city and county subject to taxation, shall not exceed in any one year, in the aggregate from such source, such sum or amount as would be produced by a levy of one dollar on each one hundred dollars valuation of such property, upon a total assessed valuation of two hundred and ten million dollars—namely, two million one hundred thousand dollars; it being expressly provided that should the assessed value of all the property in said city and county subject to taxation in any year within said period above named advance above said total of two hundred and ten million dollars, then and in such case the tax rate for the year must be correspondingly reduced below said rate of one dollar on the one hundred dollars, so as to raise no more than said sum of two million and one hundred thousand dollars as the total income and revenue from taxation upon property subject to taxation for all city and county purposes for such year; and *provided*, *further*, that after said July 1st, 1891, and each ten years thereafter, should the census taken by the United States at the end of any decade show an increase of population in said city and county over that of the preceding census, then and in such case, should the public interests require it, the annual income and revenue provided by the Supervisors for all city and county purposes by taxes on all property subject to taxation for any fiscal year may be increased in a ratio or proportion not greater than the increase of such population over the population as found by the United States census for the year 1880, and such proportion or ratio between taxation upon property in said city and county for city and county purposes as above provided, and the population of said city and county in the year 1880 shall never be exceeded, but the Supervisors may for any fiscal year provide and raise as much less income and revenue from taxation upon property as they shall deem for the public inter-

ests; *provided, further*, that the Supervisors shall, in making the said levy of said taxes, apportion and divide the taxes so levied and to be collected and applied to the several Specific Funds provided for in this Charter, according to the estimate of said Supervisors, of the necessities of the said several and respective Specific Funds, and *provided, further*, that the said Supervisors shall authorize the disbursements of said money for the purposes specified and provided for in this Chapter, creating and regulating the various Specific Funds in the Treasury, and at the close of each fiscal year, *provided*, that all claims against each Specific Fund have been respectively paid or satisfied, and all disputed or contested claims finally adjudicated, shall direct the Treasurer to transfer all surplus moneys, except that in the several Interest and Sinking Funds, Common School and Police Health and Life Insurance Fund, and such other Funds as are hereinafter specially provided to be disposed of in a different manner, to a special fund, to be called the Surplus Fund, which shall be used under such regulations as the Supervisors may adopt in extinguishing any final judgment against said city and county as elsewhere provided in this Charter and any valid existing funded debt, and when no such debt remains, then, and not before, such Surplus Fund may be carried forward to the next succeeding fiscal year, and applied to the payment of the ordinary current expenditures of the government of said city and county, and shall be considered and taken *pro tanto* as part of the income and revenue for such year, and subject to all the laws governing the same; *provided, further*, that the actual money collected and paid into each one of the Specific Funds as its share or proportion of the income and revenue of any fiscal year shall be the maximum limit of expenditure, indebtedness and liability that can be lawfully incurred during such fiscal year, against said Specific Fund, or paid therefrom, and that any expenditure, indebtedness or liability, which taken with all other expenditures, indebtedness and liabilities up to such time incurred against said Specific Fund during the fiscal year shall exceed such actual money so paid into the same, shall be void. In apportioning and dividing the annual taxes to be levied upon all property subject to taxation among the various Specific Funds, as above provided, the Supervisors shall take into account and apportion and divide the income and revenue to arise during the year from licenses, fines and all other sources of revenue, according to the estimate thereof, among, or to, any one or more of said Funds, so as to provide for the necessities of such Funds for the ensuing fiscal year; *provided*, that the income to pay the Interest and provide for the Sinking Funds for the public debt shall be provided for out of the tax upon property.

SEC. 5. In estimating the amount of money necessary to carry on the government for the fiscal year, and determining and fixing the requirements of the various Specific Funds of the treasury, for the purpose of making the annual tax levy, the Supervisors shall keep a record of the proceedings and transactions, and each item estimated upon and provided for, showing in detailed items, precisely what money they intended to raise and how it was intended to be applied, which records and items shall be official records, and shall be published with the annual reports; and any item of proposed or intended expenditure shall either be applied to the purpose for which it was raised, or shall not be expended during such fiscal year, but shall pass into and become a part of the Surplus Fund at the end of the fiscal year, as in this Charter provided.

SEC. 6. Any expenditure contemplated by the Supervisors and not falling within the usual annual expenditure, or embraced within the terms of any existing Specific Fund, and estimated to exceed \$25,000, shall be provided for and specifically named in the tax levy, and when collected shall be placed in a Special Fund, and used only for such contemplated purpose, and subject in all respects to the rules governing the other Specific Funds of said treasury; but nothing herein contained shall be deemed to authorize the raising or expenditure of money unless specifically authorized by law and this Charter.

SEC. 7. The several Specific Funds amongst which the Supervisors, in making the annual tax levy, shall apportion and divide the taxes for each fiscal year, and the purposes to which the money in said several Specific Funds shall be applied, are as follows:

SEC. 8. The several Interest and Sinking Funds in the Treasury authorized by law, at the time this Charter takes effect, shall continue therein so long as there shall be occasion therefor, and the moneys therein, or which may belong thereto, shall not be used or appropriated for any purpose other than that for which the same were raised.

SEC. 9. The Common School Fund shall consist of all moneys received from the State School Fund; of all moneys arising from taxes which shall be levied annually by the Supervisors for Common School purposes; of all moneys arising from the sale, rent, or exchange of any Common School property; and of such other moneys as may from any source whatever be paid into the Common School Fund.

Said Fund shall be applied to and used for the payment of all sums necessary for the purchase, rent, and improvement of school sites; for the erection, alteration and repairs by the Board of Public Works in the man-

ner other public buildings are erected and repaired, of school buildings, and for the rent, and furnishing of school buildings; and, for the discharge of all legal incumbrances on school property; for the salaries and wages of the Superintendent, teachers and employees connected with the Common Schools, and other persons who may be lawfully employed in the School Department; for supplying the Common Schools with lights, fuel, water, apparatus, and necessary school appliances, together with books for school children; and for such other supplies for the School Department as are indispensable for the maintenance and proper conduct of the Common Schools of said city and county; *provided*, that the aggregate amount paid out of the Common School Fund in any fiscal year, shall not exceed the amount allowed therefor in this Charter.

If, at the close of any fiscal year, any surplus moneys remain in said Fund, such surplus shall be carried forward to the Common School Fund for the ensuing fiscal year.

SEC. 10. The Police Fund shall consist of all moneys arising from taxes which shall be annually levied and apportioned to the said Fund, by the Supervisors, and of such other moneys as may from any source whatever, come into said fund.

Said Fund shall be applied to and used for the payment of the fixed salaries of the Police Commissioners; of the Judges of the Police Court; of the regular police force of said city and county, and all sums necessary for providing police stations and appliances, and such amount of money for the contingent expenses of the Police Department not exceeding in any one year the sum of seven thousand two hundred dollars, as the Supervisors shall deem necessary for such purpose, and also to pay not exceeding fifteen dollars a month to each policeman of any mounted police to be organized out of the ordinary police force, additional to his salary, for furnishing and providing and for the equipment, feed and care of his horse; such mounted police not to exceed twenty-five in all, who must provide and maintain their own horses.

SEC. 11. The Street Light Fund shall consist of all moneys arising from taxes which shall be annually levied and apportioned to said Fund by the Supervisors.

Out of said Fund shall be paid all sums authorized by law to be paid for lighting the streets, the City Hall, and such other public buildings, offices and institutions of said city and county as are not specially provided to be maintained and supported out of some other Specific Fund.

SEC. 12. The Street Department Fund shall consist of all moneys arising from taxes which shall be annually levied

and apportioned to said Fund by the Supervisors, and all other moneys which may from any source come into said Fund.

Out of said Fund shall be paid all sums authorized by law or ordinance to be paid for repairing and improving all streets and lanes and the crossings thereof, which shall have been accepted so as to have become a charge upon said city and county; for cleaning streets, lanes, crossings and sewers; for all street work in front of or assessable upon property belonging to said city and county; for all street work on the water front not by law assessable upon private property or otherwise provided for; for all urgent repairs upon the public streets which are necessary for the public safety; for all work authorized by the Supervisors upon the recommendation of the Board of Public Works or expended by said Board as immediately essential for the safety of life, limb, or property, or necessary for public health, or which cannot be by law assessed upon private property; and for all other expenditures on the sewers, streets and highways deemed indispensable by the Supervisors, and authorized by any provision of this Charter. Any money remaining in said Fund at the end of the fiscal year shall be carried forward in the same Fund for the next year.

SEC. 13. The Main Sewer Fund shall consist of all moneys arising from taxes which may be levied in any year and apportioned to said Fund by the Supervisors.

Out of said Fund shall be paid all sums authorized by law and ordinance to be paid for the construction of one or more main sewers for the better drainage of said city and county.

SEC. 14. The Fire Department Fund shall consist of all moneys arising from taxes which shall be annually levied and apportioned to said Fund by the Supervisors, and such other moneys as may from any other source whatever, come into said Fund.

Out of said Fund shall be paid the salaries and wages of all officers, members and employees of the Fire Department, the salaries and wages of the officers, members and employees of the Fire Alarm and Police Telegraph, and the salary of the Clerk of the Board of Fire Commissioners; also, all sums authorized by law or ordinance to be paid for sites for engine houses, for the construction, equipment and necessary supplies of engine houses, for the construction and repair of cisterns, for the erection of hydrants, for the purchase and repair of fire engines, hose carts, hook and ladder carriages, and for the purchase of and payment for all other apparatus and appliances and things of every nature and

description necessary for the extinguishment of fires; also for all other things necessarily used in the engine houses and buildings of the Department; also for all necessary horses, harness, horse feed and stable supplies, also for all necessary material, supplies and labor for the maintenance and operation of the Corporation Yard and Workshop; also for all material and supplies necessary for the maintenance, extension and repair of the various Telegraph and Telephone lines used by said city and county; also for offices and the necessary furniture and supplies for the Board of Fire Commissioners.

SEC. 15. The Health Department Fund shall consist of all moneys arising from taxes which may be levied and apportioned to said Fund by the Supervisors.

Out of said Fund shall be paid the salaries of the City Physician, the Health and Quarantine Officers, the Secretary and other employees of the Board of Health, the Health Inspectors, and any and all other salaries and expenses lawfully allowed to be incurred in the administration of said Health Department, and not expressly provided by this Charter to be paid out of some other Specific Fund.

SEC. 16. The Hospital and Almshouse Fund shall consist of all moneys arising from taxes which may be annually levied and apportioned to said Fund by the Supervisors; of all moneys received from the sale of any article appertaining to the City and County Hospital; and of all moneys received from the sale of any article appertaining to the Almshouse; and of such other moneys as may from any source whatever come into said Fund.

Out of said Fund shall be paid the salaries of all physicians, surgeons, apothecaries, and employees of the City and County Hospital; and all sums authorized by law or by ordinance to be paid for material, supplies, drugs, medicines, surgical instruments, and such other stores and appliances, matters and things of every possible nature and kind as are required for or used in the maintenance of the City and County Hospital and for the treatment and care of the patients therein; also, the salaries and wages of the officers, and employees of the Almshouse, and all sums authorized by law or ordinance to be paid for material, supplies and other articles and things of every kind required for or used in the maintenance of the Almshouse and the care and support of the inmates thereof; also, the salaries and wages of the officers and employees of the Smallpox Hospital, and all sums authorized by law or ordinance to be paid for the maintenance and proper conduct of said Smallpox Hospital.

SEC. 17. The Park Improvement Fund shall consist of all moneys arising from taxes which may be annually

levied and apportioned to said Fund by the Supervisors; of all moneys accruing from rents of grounds, or permits in the parks, or from public property under the control of the Park Commissioners, or arising from the sale of articles appertaining to the said parks; and of all moneys coming into said Fund by donation, bequest or otherwise.

Out of said Fund shall be paid all sums authorized by law to be paid for such material, supplies, tools, machinery, appliances, labor and service, as well as for seeds, plants, vines, shrubs and trees, indigenous or exotic, as the Park Commissioners may deem proper to procure, for preserving, improving and beautifying Golden Gate Park and the other public property under the control of said Park Commissioners. If, at the close of any fiscal year, any surplus moneys remain in the said Fund, such surplus shall be carried forward to the Park Improvement Fund for the ensuing fiscal year.

SEC. 18. The Library Fund shall consist of all moneys arising from taxes which may be annually levied and apportioned to said Fund by the Supervisors; and of all moneys accruing to said Fund by donation, bequest, or otherwise.

The said Fund shall be applied to and used for the payment of all sums necessary for the purchase or lease and improvement of real estate, the erection and furnishing of suitable buildings, the salaries and wages of officers and employees of the library, the purchase of books, journals and other periodicals, and for such other supplies and appurtenances, and things of every nature and description as may be used in the maintenance and conduct of the Free Public Library and Reading Rooms of said city and county.

If, at the close of any fiscal year, any surplus moneys remain in said Fund, such surplus shall be carried forward to the Library Fund for the ensuing fiscal year.

SEC. 19. The New City Hall Fund shall consist of all moneys arising from taxes which may be annually or otherwise, levied and appropriated to said Fund by the Supervisors; said Fund shall be applied to and used in payment for all sums authorized by law and ordinance to be paid for the material, labor and service necessary for the completion of the New City Hall. If at the close of any fiscal year, any surplus moneys remain in said Fund, such surplus shall be carried forward to the New City Hall Fund for the ensuing fiscal year, until said City Hall shall be completed; after which time all surplus moneys in said Fund shall be transferred to the Surplus Fund, and thereafter said New City Hall Fund shall cease.

SEC. 20. The Industrial School Fund shall consist of all moneys arising from taxes which may be annually levied and apportioned to said Fund by the Supervisors; of the proceeds of the sale of any produce, wares, or other thing raised or made by the labor of the inmates of said School, and of any gifts or donations made to said Fund.

Said Fund shall be applied to and used for the payment of the salaries and wages of the officers and employees of the Industrial School, and for feeding the inmates and supporting and carrying on the said institution, as provided by ordinance.

SEC. 21. The House of Correction Fund shall consist of all moneys arising from taxes, which may be annually levied and apportioned to said Fund by the Supervisors, and of the proceeds of the sales of any produce, wares, or other thing raised or made by the inmates of said institution.

Said Fund shall be applied and used in payment of the salary of officers and employees of said House of Correction, and to pay all the expenses of the same as provided by ordinance.

SEC. 22. The Printing and Stationery Fund shall consist of all moneys accruing from taxes which may be annually levied and apportioned to said Fund by the Supervisors.

Out of said Fund shall be paid all sums authorized by law to be paid for such books blanks, stationery, printing, publishing and advertising as may be required by said city and county, or by the officers thereof in the performance of their official duties, and not otherwise provided for.

SEC. 23. The Salary Fund shall consist of all moneys arising from taxation which shall be annually levied and apportioned to said Fund by the Supervisors, and of all fees of office collected in the various offices and departments of said city and county and not specially appropriated to some other Fund.

Out of said Fund shall be paid all salaries of Officers, Deputies, Clerks and employees and not specifically required to be paid out of some other Specific Fund.

SEC. 24. The General Fund shall consist of all moneys arising from taxes which shall be annually levied and apportioned to the said General Fund by the Supervisors; of all moneys received for licenses; of all moneys received from street railroad companies; of all moneys accruing from fines, penalties and forfeitures, for crimes and offenses committed in said city and county; and of all other moneys coming into the Treasury, not by law reserved for a special purpose, or set apart and appropriated to any other specific use; *provided*, that all moneys arising from licenses, fines or

other sources of revenue which shall be at the time of making the annual tax levy apportioned by the Supervisors to any other Specific Fund, shall go to such other Fund, and be part thereof.

Out of said Fund shall be paid all sums authorized by law to be paid for the maintenance and support of the City and County Jail, the City Prison, and the inmates of each and all thereof, and of such other institutions for the preservation of public order as are, or may be established by authority of law and this Charter; also all sums paid out for election expenses and for the registration of voters, except the salaries of permanent officers, which shall be paid out of the Salary Fund; and all other sums authorized by law and ordinance to be paid out of the Treasury of said city and county, and for the payment of which, out of any Specific Fund, no provision has been made.

SEC. 25. The Surplus Fund shall consist of all money remaining at the end of any fiscal year in any other Specific Fund, except the Common School Fund, and such Specific Funds as are by this Charter otherwise expressly provided for, after all legal and valid demands, indebtedness and liabilities against such other Specific Funds incurred within such fiscal year have been paid off and discharged, *provided*, that all claims against each Specific Fund have been respectively paid or satisfied and all disputed or contested claims payable out of such Specific Fund be finally adjudicated. Said Fund shall be applied to and used by the Supervisors for the purposes and in the order following:

1st. In payment of any valid final judgment against said city and county; *provided*, that no judgment shall be deemed final until passed upon finally by the Supreme or other Court of last resort.

2d. In the liquidation and extinguishment, under such regulations as the Supervisors may adopt, of any valid outstanding funded debt of said city and county.

3d. To be carried over and apportioned among the Specific Funds and used in the following fiscal year as part of the income and revenue thereof.

SEC. 26. If there be any other Special Fund required by the provisions of this Charter, such fund shall be a fund in said Treasury, by the name designated herein, and shall consist of the moneys authorized to be appropriated to or paid into the same. Out of the moneys in such fund shall be paid only those demands which, by any provision of this Charter, are properly chargeable thereto.

SEC. 27. Whenever there shall be to the credit of any Sinking Fund in the Treasury a sum not less than twenty

thousand dollars, which may be applied to the redemption of any outstanding bonds to which said fund is applicable, which are not redeemable before their maturity, it shall be the duty of the Mayor, Auditor and Treasurer to advertise for thirty days in three newspapers of general circulation published in said city and county, one of which shall be the official newspaper, inviting proposals for the surrender and redemption of said bonds; and after such advertisement, to award the money in said Sinking Fund, or such portion thereof as may be required therefor, to the person offering to surrender said bonds for the lowest amount; and upon such award the Treasurer is authorized, upon the surrender of the bonds, to pay the amount thereof to the person to whom the same was awarded; *provided*, that no bid for the surrender of any of said bonds shall be accepted which shall require a greater sum of money for their redemption than the present worth of the principal and interest of said bonds, calculated with interest at the rate of three per cent. per annum.

CHAPTER IV.

OF LEGISLATIVE POWERS.

SECTION 1. The Supervisors shall have power to pass ordinances:

1. To regulate traffic and sales in the streets, highways, roads and public places.
2. To regulate the use of the streets, highways, roads and public places, for foot passengers, animals, vehicles, cars and locomotives.
3. To regulate the use of sidewalks; and to prevent the extension of building fronts and house fronts within the stoop lines.
4. To prevent encroachment upon and obstruction to streets, highways, roads and public places, and to authorize and require the removal of the same; but shall have no power to authorize the placing or continuing of any obstruction upon any street, avenue or sidewalk except for the temporary use and occupation thereof during the erection or repair of a building on a lot adjoining the same.
5. To regulate the opening of street surfaces, the laying therein of gas and water mains and telegraph and telephone wires, the building and repairs of sewers, and the erecting of gas and electric lights.
6. To regulate the numbering of the houses and lots on the streets and avenues, and the naming of the streets, avenues, public places and thoroughfares.

7. To regulate and prevent the throwing or depositing of ashes, offal, dirt, rubbish or garbage in the streets.

8. To regulate the cleaning of the streets, avenues, sidewalks and gutters.

9. To regulate the use of the streets and sidewalks for signs, sign posts, awnings, awning posts, horse troughs, urinals, telegraph posts and other purposes.

10. To provide for and regulate street pavements, crosswalks, curbstones, gutter-stones, sidewalks, and the grade of streets; and to provide for regulating grading, guttering, sewerage and lighting streets, roads, places and avenues.

11. To regulate public cries, advertising and other noises, steam whistles, and the ringing of bells in the streets; and to control and limit traffic on the streets, avenues and public places.

12. In relation to street beggars, vagrants and mendicants.

13. In relation to the sale and use of guns, pistols and firearms, and to regulate the sale and use of fire-works and holiday explosives of every nature and description, as well as toy pistols and guns, miniature cannons and all kinds of explosive and detonating toys; *provided*, that it shall not be lawful in said city and county for any merchant, trader or other person to sell or give away to any minor child, or children, any toy cannon, gun, pistol, or other toy weapon or plaything constructed of iron, steel, or other metal, in or by which gunpowder, fulminate, or other explosive or detonating substance is or can be used, and the use of toy pistols, cannons, or other toy weapon or plaything so constructed, as well as the use of fire-crackers, roman candles and other holiday explosives, by firing the same off in the public streets or highways, except at a public procession or exhibition authorized by the city authorities and controlled by the police, is forbidden and prohibited. Any person violating any of the provisions of this subdivision shall be deemed guilty of a misdemeanor. Any police officer or member of the police force who shall be guilty of neglect to enforce this provision, or who shall neglect or refuse to arrest persons violating any part of the same, shall be liable to expulsion from the force on proof of the fact to the Police Commissioners. No ordinance passed under this subdivision shall ever be suspended or modified temporarily, but the Supervisors may enact cumulative and additional provisions for the more strict enforcement of the objects herein provided for.

14. In relation to intoxication, fighting and quarreling in the streets.

15. In relation to places of public amusement.
16. In relation to exhibiting banners and placards or flags in or across the streets, or from houses or other buildings.
17. In relation to the exhibition of advertisements or handbills along the streets, avenues or public places.
18. In relation to the construction, repairing and use of vaults, cisterns, areas, hydrants, pumps, sewers and privies.
19. In relation to partition fences and walls.
20. In relation to the construction, repair, care and use of markets and market places.
21. In relation to licensing and regulating hackney carriages and other public passenger vehicles, and to fix the rates to be charged for the transportation of persons, baggage, goods, merchandise, and property, or either, thereon; and to license and regulate all vehicles used for the conveyance of merchandise, earth, and ballast, or either; and also, to license and regulate persons employed in conveying baggage, property, and merchandise, or either, to or from any place within the limits of said city and county; to provide for the summary removal and disposition of any or all vehicles found in the streets, highways, and public squares, during certain hours of the day or night, to be designated by the Supervisors, and in addition to all other remedies, to provide by regulation for the sale or other disposition of such vehicles, to protect the public from injury by runaways, by punishing persons who negligently leave horses or carriages in the street; to prescribe the width of the tires of all drays, trucks, carts, and other vehicles, and the weight to be carried thereby, for the preservation of the streets and highways.
22. To fix and establish the amount of every license paid into the City and County Treasury for city and county purposes.
23. In relation to the mode and manner of suing for, and collecting liabilities, and keeping accounts of the city and county.
24. In relation to the erection and repairing of public fountains for the use of men and animals at convenient points along the streets and avenues, and in public places.
25. To provide for the security, custody and administration of all property of said city and county, and to purchase property, situated as well without as within the boundaries of said city and county, which may be required for municipal purposes, but, except as otherwise provided in this Charter, without any power to sell or encumber the same, or lease any part thereof for more than two years, except,

however, that such personal property belonging to the Fire, Street and other Departments, as they may deem unsuited for the uses and purposes for which the same were designed, or so much worn and dilapidated as not to be worth repairing, may be sold; but all such sales must be made at public auction, after due notice by advertisement in the official newspaper.

26. To provide for lighting the streets, squares, parks, public places and all public buildings not in charge of some other Board or Department. But no contract for the same or any part of the same shall be made for more than one year, nor shall any contract to pay for gas or any other illuminating material more than is legally charged to ordinary consumers be valid. All demands for payment for lighting public buildings shall be presented monthly to the Board or Department using or having charge thereof, and shall specify the amount of gas or other illuminating material consumed in each building during the month.

27. To provide water for municipal purposes. Where water is supplied to said City and County, or to any of its departments, by any person or corporation other than the city and county, it shall not be paid for at more than the rates for the year established by the Supervisors, for ordinary consumers, nor in any different manner from other supplies.

28. To provide for inclosing, improving and regulating all public grounds of said City and County; and it shall not be lawful for the Board to lease any square or park or allow the same to be closed to the public, or for admission fees to be collected for entrance thereto.

29. To prohibit the erection of wooden buildings or structures within fixed limits, and to restrict and limit the height of such buildings or structures; to regulate the sale, storage and use of gun-powder, Giant powder, dynamite, nytro-glycerine and other explosive or combustible materials and substances, and the places of their manufacture, as well as the manufacture of acids, and to make all needful regulations in reference to the manufacture, storage and transportation of all such materials and substances, and the maintenance of acid works, slaughter-houses, brick-kilns, tanneries, and all other manufactories and works of every description that may endanger the public safety, health or comfort; to regulate and to exclude from certain limits all hospitals, institutions and places for the treatment of disease, or care of sick or insane persons; and to regulate all noxious trades, and restrict the prosecution thereof to such fixed limits as may from time to time seem proper, or exclude them from the said city and county; and to

make all necessary regulations for protection against fire, as well as such rules and regulations concerning the erection and use of buildings as may be necessary for the safety of the inhabitants of said city and county.

30. To permit the laying down of railroad tracks and running cars thereon, along any street or portion of a street, for the sole purpose of excavating and filling in a street or portion of a street, or adjoining lots, and for such limited time as may be necessary for the purposes aforesaid, and no longer.

31. To regulate and provide for the employment, on the public works of said city and county, of prisoners sentenced to labor thereon, and to make regulations requiring prisoners not sentenced to imprisonment in the State prison to be sentenced to such labor, either in the chain gangs or otherwise as the Supervisors may deem expedient; also to maintain and regulate, and at discretion change, dispense with and re-establish City and County jails, prisons, and Houses of Correction, and other places of punishment, confinement and reformation; and to establish, in connection therewith, manufacturing or laboring establishments.

32. To provide places for the detention of witnesses, separate and apart from any place where criminals or persons accused of public offenses are imprisoned.

33. To fix and determine in the month of February of each year, to take effect on the first day of July thereafter, the rates or compensation to be collected by any person, company or corporation in this city and county for the use of water, and gas light or other illuminating power, supplied to the city and county, or the inhabitants thereof, and to prescribe the quality of gas or other illuminating power, and to prescribe penalties for the violation of all ordinances passed in reference to the matters contained in this subdivision. The rate or compensation paid for water furnished to said city and county, for the extinguishment of fires, shall be based upon water actually used in such extinguishment. No rate for hydrants or fire plugs shall be allowed unless the same are actually used in the extinguishment of fires, and then only the quantity of water actually so used shall be paid for at meter rates as nearly as the same can be ascertained; nor shall any higher price or compensation ever be paid by said city and county for water for any purpose than the metre rate for the year for the amount actually used. Water furnished for irrigation shall be at the same rate and manner.

34. To regulate the quality, capacity and location of water and gas pipes, mains and fire-plugs, and to provide for and regulate the construction and repair of hydrants,

fire-plugs, cisterns and pumps, and such other appliances as may be fit to utilize the distribution of water in the streets, public places and public buildings.

35. To regulate, license and control the business of pawn-brokers and intelligence offices, and prescribe the mode of conducting the same.

36. To license and regulate, for the purpose of city and county revenue, all such callings, trades and employments as the public good may require to be licensed and regulated, and as are not prohibited by law.

37. To make all needful rules and regulations to govern the official conduct and duties of all officers of the city and county, and to fix and regulate the charges and fees of all such officers where their fees are not otherwise fixed, and to compel the payment of all such fees and charges into the Treasury, in accordance with the provisions of this Charter.

38. To provide rules and regulations for the administration, care, maintenance and conduct of all Departments and offices in said city and county, not otherwise provided for in this Charter, so as to secure the more perfect safety of the public funds, and greater efficiency in all departments of service, and to enforce the observance of such rules and regulations. To provide for greater efficiency in the collection of all taxes, licenses and municipal revenues of every kind; *provided*, that the City Attorney shall attend to all such litigation; and *provided*, that such collections shall not be made upon shares or commissions by any one, and all contracts for collecting any part of the revenue upon commission or shares shall be void.

39. To authorize and direct the summary abatement of nuisances, and declaring and defining by general rules what shall constitute a nuisance; to provide for the prevention and summary removal of all nuisances and obstructions in the streets, alleys, highways and public places and grounds of said city and county; to prescribe such regulations as may be necessary or expedient for the preservation of the public health and the prevention of contagious diseases: to prevent or regulate the running at large of dogs or other animals, and to authorize the destruction or impounding of the same when at large, contrary to ordinance.

40. To prohibit, suppress, regulate or exclude from certain limits all houses of ill fame, prostitution and gaming; to prohibit, suppress or exclude from certain limits all occupations, houses, places, pastimes and amusements, exhibitions and practices which are against good morals and contrary to public order and decency, or dangerous to the public safety.

41. To provide for the safe keeping and disposition of lost, stolen or unclaimed property of every kind which may

at any time be in the possession or under the control of the police or other departments of said city and county.

42. To regulate or suppress all public assemblages in, or processions through, the public streets, squares, and other places, which interfere with the public travel, convenience or safety.

43. To secure the health, comfort and security of the inhabitants, and the safety and security of property and life in said city and county.

44. To make and enforce, within the limits of said city and county, all such local, police, sanitary, and other regulations as are not in conflict with general laws or this Charter.

45. To allow and order paid out of the Street Department Fund such sums as may be necessary for improvement of streets, the expense of which is not chargeable upon private property or payable by any other authority than the city and county, and for the abatement of nuisances caused by or under authority of the city and county.

46. To allow and order paid out of the General Fund a sum not to exceed three thousand dollars annually, for the celebration of the anniversary of our National Independence.

47. To allow and order paid out of the General Fund for election expenses of said city and county, for each election, such sums as in the judgment of the Supervisors upon the report and recommendation of the Election Commissioners, may be required by the Board of Election Commissioners.

48. To provide ways and means for the prosecution or defense of the claims of said city and county to any land or other property, or right belonging to or claimed by said city and county.

49. To allow and order paid out of the Surplus Fund any final judgment against said city and county, but no judgment shall be deemed final till passed upon by the Supreme Court or other Court of last resort.

50. To allow and order paid out of the General Fund such sums as may be necessary for burying the indigent dead.

51. To allow and order paid out of the General Fund such sums, not to exceed five thousand dollars in any one fiscal year, as may be deemed necessary for the employment of special counsel.

52. To provide for the levying, collection and apportionment of the revenue authorized to be collected for the erection and completion of the New City Hall, or any other public building in said city and county.

53. To levy and collect taxes and assessments for any purpose authorized by law or by any of the provisions of this Charter, subject to the limitations thereon, in this Charter contained, upon all property in said city and county subject to taxation, and to provide and fix the time and manner of collection and payment thereof; *provided*, that from and after the taking effect of this Charter and until otherwise provided by ordinance, all taxes upon real estate and personal property in said city and county for city and county purposes, shall be payable at the time and in the manner provided by law for the collection and payment of taxes for State purposes.

54. To apportion the money derived from the revenue of said city and county to a General Fund, and such other Specific Funds as have been and may hereafter be established by law and this Charter.

55. To provide for, maintain and regulate a public pound, fix the limits within which animals shall not run at large and prescribe the duties of a Poundkeeper; to make all needful rules and regulations necessary for the proper management and control of said pound; to prescribe fines to be paid by the owners of impounded animals; to authorize said Poundkeeper to appoint one or more assistants, whose compensation shall be paid in the same manner and from the same source as the salary of said Poundkeeper. The salary of said Poundkeeper shall not exceed seventy-five dollars per month, nor the compensation of his assistants forty dollars per month each, and shall be paid out of the fines imposed and collected of the owners of impounded animals, and from no other source. The expense of said public pound, to be paid out of the City and County Treasury, shall not exceed the sum of six hundred dollars a year.

56. To establish, from time to time, a convenient number of police stations; to designate the prisons to be used for the reception and detention of all persons arrested or convicted and sentenced for public offenses, in cases not otherwise provided for.

57. To determine the fines, forfeitures and penalties for the breach of any ordinance of the city and county, and also for a violation of any provision of this Charter, where no penalties are fixed thereto or provided by law; but no penalty to be imposed shall exceed the amount of five hundred dollars or six months' imprisonment, or both.

58. To build, purchase, rent, maintain, or otherwise provide suitable buildings for rooms or accommodations for all Courts, Departments, Boards and officers of said city and county, together with all necessary attendance, furniture, fuel, light and stationery, sufficient for the convenient transaction of business.

59. To provide a common seal for said city and county, and from time to time to alter and change the same, and also to provide seals for the several Departments, Boards and officers of said city and county, and for the Police Court, and for altering and changing the same.

60. To open, close, straighten, or widen any street, road, or highway, or to open and lay out any new street, or highway, through public or private property in said city and county, upon making compensation to all persons whose property may be taken therefor or injuriously affected thereby, upon the conditions and in the manner by law and in this Charter provided, and in like manner to change the grade of any street, road, or highway already laid out or established in said city and county; *provided*, that no change of grade shall be made where improvements have already been erected upon the line of the grade of the street whereof the grade is proposed to be changed, without providing and making compensation, in such manner as may be provided by law and ordinance of said city and county, to persons whose property may be injuriously affected by such proposed change of grade; but in such case no compensation shall ever be made or allowed for any damages to gas or water pipes, railway tracks, telegraph posts or wires, or other property or thing laid above, along, in, or under any street, highway, park, place or other public property.

61. To permit and allow tunnels to be constructed and maintained in accordance with such rules and regulations as the Supervisors may prescribe, under the surface of any street, road, highway, public park, square, or place, in said city and county, through lands belonging to said city and county, for the passage of pedestrians or railroad cars propelled by steam or other motive power, and other carriages and vehicles for the conveyance of merchandise and passengers; *provided*, that no such permission or allowance shall be granted without the written consent of persons owning two-thirds of the property fronting upon and along the line of the street in front whereof such tunnel is to be run; *and*, *provided, further*, that compensation shall be made in such manner as may be provided by law and ordinance of said city and county, to all persons who may be injuriously affected by any such tunnel.

62. To regulate all street rail roads, tracks and cars, and when and where necessary to compel two or more owners of such roads using the same street for any distance to use the same tracks and to equitably divide the expense thereof between the owners. To fix and establish and to reduce the fares and charges for transporting passengers and goods thereon, and rates of speed, and to pass ordinances to protect the public

from danger or inconvenience in operating such roads. To compel the owner of street railroads to pave and keep in repair the street between their rails and also between their tracks, and for at least two feet on the outside of the same, including all switches, turn-outs and side tracks.

63. To grant authority, for a term not exceeding thirty years, to construct street railways and lay down street railroad tracks upon any of the streets of said city and county upon which cars may be propelled by horses, mules, steam, or other motive power, or by wire ropes running under the streets and run by stationery engines, upon such terms and under such restrictions, limitations and conditions as may be required by the laws of this State, and provided by ordinance of said city and county.

64. To provide in the annual tax levy for a special fund to be used in the construction of one or more main central sewers, for the more thorough drainage of the city, such construction to be authorized by the Supervisors, as provided in this charter for other buildings and works, and to provide for the acquisition or condemnation of land that may be required for sewers, or for the purposes of drainage, or other public use.

65. To restrain and prevent any riot, mob, noise, disturbance or disorderly assembly or amusement dangerous to persons or property in any street, house or place in the city and county.

66. To control, limit and reduce the expenditures of money in every department of said city and county, and for every possible purpose, and to reduce the same in order to avoid extravagance and secure economy, and prevent loss to persons dealing with said city and county, and to keep the expenditures of each fiscal year within the income and revenue provided for such year and to prevent deficiencies in any Specific Fund in the Treasury; but never to increase any expenditure beyond the limits fixed in this Charter.

67. To make all rules and regulations necessary and proper for carrying into execution the foregoing powers and all other powers vested by this charter or by law in said city and county, or in any department or office thereof. No money shall ever be appropriated or drawn from the City and County Treasury for the use or benefit of any corporation, association, asylum, hospital or other institution not under the exclusive management and control of said city and county as a city and county institution, nor shall any grant or donation of property ever be made thereto by the city and county. No contract on the part of said city and county shall ever be for more than one year.

SEC. 2. Every violation of any ordinance or any of the provisions of this Charter, unless otherwise declared in this Charter, shall be a misdemeanor.

SEC. 3. The Supervisors in joint convention assembled shall constitute the Board of Equalization of said city and county; they shall meet at the time, and have the powers and perform the duties concerning the equalization of taxes which are now or may be prescribed by the general revenue laws of the State. The President of the Board of Aldermen shall be the presiding officer of the Board of Equalization, and the Clerk of the Board of Aldermen shall be ex-officio clerk thereof.

SEC. 4. The Board of Aldermen and the Board of Assistant Aldermen shall each have power to appoint from their members a committee consisting of three, to be denominated "Examining Committee," and to fill all vacancies which may happen in said committee. Each of said committees shall have power to investigate the transactions and accounts of all officers having the collection, custody or disbursement of public money, or having the power to approve, allow or audit demands on the Treasury; shall have free access to any records, books and papers in all public offices; to administer oaths and affirmations; to examine witnesses, and compel their attendance before them by subpœna and attachment for contempt, in case of their refusal to appear and testify when lawfully required; to punish for contempt any officer, ex-officer, or other person, who shall refuse or neglect, when required in writing by said committee, to exhibit any official record, book, document or paper in his custody, or to explain the same, or any official transaction of his own, or of any other officer, so far as he may be able. Said committees, or either of them, may visit any of the public offices when and as often as they think proper, and make their examinations and investigations therein, without hindrance. It shall also be the duty of said Examining Committees as often as once in every six months, to examine the official bonds of all city and county officers, and to inquire into and investigate the sufficiency and solvency of the sureties thereon, and report the facts to the Mayor. Such report shall specify each bond with the sureties and amounts for which each is bound, and shall state whether or not they are deemed sufficient or solvent. Upon such report the Mayor shall act so as to protect the city, and new bonds shall be required when necessary, and he shall have the power to suspend the officer till a sufficient bond is filed and approved. In the exercise of its functions, a concurrence of two members of either committee shall be deemed sufficient. Each of said committees shall keep a record of their proceedings, with the names of the witnesses

examined, and a substantial statement of the evidence taken. If from the examination made by either of such committees it shall appear that a misdemeanor in office, or a defalcation, has been committed by any officer of said city and county, said committee shall immediately report to the Mayor, who shall thereupon take such action in the premises as shall protect the public interest. It shall be the duty of any police officer of said city and county to execute the process and orders of said committees, or either of them.

SEC. 5. In addition to the annual report provided for in this Charter, it shall be the duty of each officer at the head of any department, and each Board to make monthly reports at the end of each month to the Auditor, showing the expenditure and financial affairs of such Department, Board or officer. Such monthly report shall likewise show a contrasting exhibit or statement of the expenditure of such Department, Board or officer for the corresponding month of the preceding year; and besides the copy furnished the Auditor a copy shall be kept at all times posted conspicuously in a prominent place, accessible to the public, in the chief office of the Department, Board or officer making the same. Each officer, Board, and head of department having any deputy clerk or employee shall, at all times, keep posted up in a conspicuous place in the chief office, accessible to the public, a correct list, showing the names and salary or pay of every person in said office, Board or department, or employed either regularly or temporarily therein or in any manner connected therewith. And it shall also be the duty of such officers, Boards and heads of Departments each month to make a report to the Board of Aldermen showing such names, with the pay or salary of each deputy, clerk and employee, which report shall be read in open session of the Board of Aldermen, and by the Secretary thereof transmitted to the Auditor. And no pay shall be drawn or paid out of the Treasury for any person whose name does not appear upon such list and report.

SEC. 6. No grant of any franchise, right or privilege, or of the authority to exercise any franchise or privilege, that may be made by the Supervisors, shall have any validity or effect, unless the person or persons to whom the same is made, shall within twelve months thereafter commence the exercise and enjoyment of the same; and whenever any franchise or privilege shall have been in disuse, in whole or in part, for the period of one year, it shall be deemed abandoned and forfeited, to the extent of such disuse, and the said franchise or privilege, or that part thereof so in disuse, shall no longer be exercised or enjoyed; *provided*, that the disuse or nonuse of any portion of a fran-

chise, unless permission before obtained of the Supervisors, shall be deemed a forfeiture of the whole.

SEC. 7. Every grant of a franchise, right or privilege shall be subject to the right of the Supervisors at any time thereafter to repeal, change or modify the said grant, and every ordinance making such grant, shall contain the reservation of the right of the Supervisors to repeal, amend or modify the said ordinance.

SEC. 8. No ordinance creating or providing for any office, clerkship or employment under said city and county, or any Department, Board or officer thereof, other than those specifically named and provided for in this Charter, shall be in force for more than one year from its passage, but shall expire by limitation at that time, but nothing herein contained shall prevent the re-enactment thereof in the same manner and for the same period that the original ordinance was passed. Until so re-enacted no salary or compensation shall be drawn, nor shall any salary or compensation be allowed for any interval of time after such termination and before its re-enactment.

CHAPTER V.

OF CONTRACTS.

SECTION 1. All contracts exceeding in amount the sum of one hundred dollars, for goods, merchandise, stores, supplies, subsistence, printing, building, or other work or thing for said city and county, as well as for all subsistence, supplies, drugs, and all other necessary articles and things for hospitals, prisons, public institutions, and other departments of said city and county not otherwise specifically provided for in this Charter, must be made by the Supervisors with the lowest bidder offering adequate security, after due public notice published for not less than five days in the official newspaper, and no purchase thereof or liability therefor shall be made or created except by contract. All proposals shall be accompanied with a certificate of deposit or certified check, payable at sight on a solvent bank or banking house in said city and county, of one thousand dollars, where the amount of the bid shall exceed five thousand dollars, and where it shall be less than five thousand dollars, of ten per cent. on the amount of the bid, payable to the order of the Clerk of the Supervisors. If the bidder to whom the contract is awarded, shall for five days after such award, fail or neglect to enter into the contract and file the required bond, it shall be the duty of the Clerk to draw the money due on

said certificate of deposit or check, and pay the same into the Treasury. All bids or proposals shall be opened by the Board of Supervisors, and all contracts shall be awarded by the Supervisors by ordinance. In all advertisements for proposals, quantity and quality of articles shall be fully stated, and any bidder may bid for any article named. The award as to each article shall, in all cases, be made to the lowest bidder for such article, and where a bid embraces more than one article, the Board shall have the right to accept or reject such bid or any one or more articles embraced in said bid. The Supervisors shall require bonds, with sufficient sureties, for the faithful performance of every contract. The Clerk of the Supervisors shall furnish suitable printed blanks for all such proposals, contracts and bonds. All bids shall be sealed and delivered by the bidder to the Clerk of the Supervisors, and opened by the Board of Aldermen at an hour and place to be stated in the advertisement for proposals, in the presence of all bidders who may attend, and the bidders may inspect the bids. All bids with alterations or erasures shall be rejected. Any person who shall willfully, and for the purpose of using or imparting knowledge of bids to others, open, examine, or inspect any sealed proposal after the same has been delivered to the Clerk of the Supervisors, before the same has been opened for award as above provided, shall be guilty of a felony.

SEC. 2. All contracts for subsistence of prisoners, must be given out annually by the Supervisors, at a fixed price per day for each prisoner and person connected with the prison; and the advertisement for proposals published as in the last section provided, shall specify each article that will be required, the quality thereof, the quantity for each person, and the existing and probable number of persons to be supplied. All articles of food supplied for the prisons, hospitals or other public institutions, must be sound and wholesome, and subject to inspection and rejection by the Health Officer, and by the principal executive officer of the prison, institution or department for which the same are supplied; all of which must be expressed in the contract therefor.

SEC. 3. All city and county official advertising, including that of the Sheriff's office, excepting the delinquent tax list, shall be in like manner let by the Supervisors to the lowest responsible bidder publishing a daily newspaper of general circulation in said city and county, that has been in existence at the time of the letting of said contract at least two years; *provided*, that the award shall be made to the bidder making the lowest aggregate bid.

SEC. 4. The Clerk of the Supervisors shall be *ex officio* City and County Stationer, and shall annually, under the directions of said Supervisors, advertise for proposals for supplying the various departments, officers and offices of the city and county, stationery, and supplies in the nature of stationery, including the manufacture of assessment rolls, minute books, blank books and the printing of blanks. The contracts for stationery shall be separate from that for printing. The estimates for said supplies for printing and stationery shall be based upon the average consumption of all the books, printing and stationery paid for from the city and county Treasury during the three years next preceding, but the proposals shall contain a provision requiring a greater or less quantity to be delivered as the Supervisors may designate, to be supplied at such times and in such quantities as may be necessary for the service of the city and county. The Supervisors shall advertise for bids for paper, which shall state the weight, quality and size of the various kinds required. The proposals for printing shall enumerate the various letter heads, tax bills, tax receipts, Court notices, and all blanks and papers and documents now used or hereafter ordered or required in any and all departments of the city and county government, including the forms, papers and blanks now used or hereafter used by the Superior and all the Courts of the city and county. The forms for all printing shall be consecutively numbered, and each form and blank shall be known as No. —, specifying the number. Said advertisements shall be published for at least ten days in the official newspaper, and shall specify each article and the estimated amount thereof, that may be required during the period of the contract, and shall require bidders to state the price at which each article will be furnished, printed or manufactured, as the same may be required from time to time during said period, and the amount of the bond that will be required as security for the performance of the said contract; and such contract shall be awarded and entered into, in the manner provided in this Chapter for other contracts. The Clerk of the Supervisors shall have a room or rooms in the City Hall for the proper storage and custody of such goods as belong to the city and county, and the same shall be delivered to him when purchased, and he shall be charged with the safe keeping and custody, and systematic issuance and distribution to the various departments as required. He shall keep exact accounts in detail, charging himself with all goods received, and crediting himself with the goods delivered upon order or requisition, as hereinafter provided. Whenever any supplies of books, blank books, blanks, or any kind of stationery or supplies in the nature of stationery are required for any department of the city gov-

ernment, it shall be the duty of the said City and County Stationer to issue the same after the requisition for such articles has been made by the head of a department or chief deputy, countersigned by the officer authorized by the Supervisors to superintend the issue of such supplies; but no such requisition shall receive the signature of such officer unless the head of the department, or his deputy, has certified under oath that the supplies named in the requisition are requisite for the use of his office. All requisitions for printing, shall be made in a similar manner, and when the foregoing provisions have been complied with the City and County Stationer shall issue to the contractor for printing the paper necessary for the execution of the work according to the numbered form and the quantity applied for. Such printing, when completed, shall be delivered to the City and County Stationer, who shall receipt therefor, and he shall deliver the same to the department for which said printing was executed, taking a receipt therefor from the head of the department or his chief deputy. The City and County Stationer shall report monthly in writing to the Supervisors, in detail, all paper, blanks, books, stationery and printing ordered by and delivered to any department of the city government. The City and County Stationer shall have no compensation for his services except his salary as Clerk of the Supervisors.

SEC. 5. No Department, Officer, or employee of said city and county, except of the School Department, shall make any purchase of any material, or create any liability or obligation against the city and county, until the same has been authorized by the Supervisors by ordinance.

SEC. 6. Any member, officer, or employee of said city and county, or of any Department thereof, who shall willfully aid or assist a bidder in securing the award of a contract to furnish labor, material, or supplies, at a higher price or rate than any other bidder proposed, when sealed proposals have been advertised for, or who shall, in any way, favor one bidder for a contract over another by giving or withholding information contrary to his duties, or shall willfully mislead any bidder in regard to the character of the material or supplies called for, shall be guilty of a misdemeanor, and any one who shall willfully accept material or supplies of a quality inferior to that called for by the contract, or who shall willfully and knowingly certify to a greater amount of labor performed, or who shall willfully or carelessly certify to the receipt of a greater amount or different kind of material or supplies than has been actually received, shall be guilty of a felony and shall be removed from office.

SEC. 7. Where any particular piece of work is necessary, or any supplies needful for any particular purpose, it shall

not be lawful to divide the same for the purpose of evading any of the provisions of this Charter. Where a claim against the Treasury amounts to more than five hundred dollars, it shall not be lawful to divide or break up the same into several sums of less than that amount, so as to evade the provisions of this Charter concerning claims; and in case of such subdivision, payment of any one subdivision thereof, shall operate as an extinguishment of the entire claim.

SEC. 8. All contracts relating to city and county affairs shall be in writing, executed in the name of the city and county, by the officer authorized to make the same, and in cases not otherwise directed by this Charter or by law, such contract shall be made and entered into by the Mayor, and in no case by either Board of the Supervisors, or by any committee of either. All contracts shall be countersigned by the Auditor and registered by number and date in his office in a book to be kept by him for that purpose. In all cases of letting contracts to bidders, where for any reason a contractor fails to execute the contract or perform the same, new bids shall be invited, opened and awarded for the unperformed portion of the same, as provided herein in the first instance, until a sufficient contract is executed and performed. In all cases where the Supervisors have reason to believe that the prices bid are too high, or that bidders have combined together to prevent genuine bidding, or that for any reason the public interest will be subserved, they may reject any and all bids and cause the proposal to be re-advertised, but all contracts if let shall be let to the lowest bidder.

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ARTICLE III.

Executive Department.

CHAPTER I.

OF THE MAYOR.

SECTION 1. There shall be elected by the qualified voters of said City and County every two years a Mayor, who shall be the chief executive officer of the city and county, and shall hold office for two years; he shall be at the time of his election at least thirty years of age, and have been a citizen of the United States and a resident, and qualified elector of said city and county for five years next preceding. He may appoint a clerk.

SEC. 2. The Mayor shall vigilantly observe the official conduct of all public officers of the city and county, and take note of the fidelity and exactitude, or the want thereof, with which they execute their duties and obligations, especially in the collection, custody, administration and disbursement of the public funds and property; and the books, records, and official papers of all Departments, Boards, Officers, magistrates, and persons in the employ or service of the city and county shall at all times be open to his inspection and examination. He shall take special care to see that the books and records of all such Departments, Boards, officers and persons are kept in legal and proper form; and any official defalcation, or willful neglect of duty, or official misconduct which he may discover or which shall be reported to him, shall, at once, be laid before the Supervisors and the Grand Jury, or District Attorney, in order that the public interests shall be protected, and the person in default be proceeded against according to law. He shall, from time to time, give the Supervisors information relative to the state of the city and county, and shall, in writing, recommend such measures as he may deem beneficial to the interests of the city and county. He shall see that the laws of the State and the laws and ordinances of the city and county are observed and enforced. He shall have the power and it shall be his duty to appoint a competent person or persons, expert in matters of bookkeeping and accounts, to examine the books, records, condition and affairs of any Department, Board, Officer or employee of said city and county, whenever he shall deem it necessary, and enforce such examination. Any such person refusing to permit or submit to such official examination, or purposely delaying or impeding the same, may be suspended from office by the Mayor, and removed by the Supervisors. He shall have a general supervision over all the Departments and public institutions of the city and county, and see that they are honestly, economically and lawfully conducted. He shall take all proper measures for the preservation of public order, and the suppression of all riots and tumults, for which purpose he is authorized and empowered to use and command the police force, and if such police force is insufficient, it shall be his duty to call upon the Governor for military aid, in the manner provided by law, in order that such riots or tumults may be promptly and effectually suppressed.

SEC. 3. The Mayor shall see that all contracts and agreements with the city and county are faithfully kept and fully performed; and to this end, he shall cause legal proceedings to be commenced

and prosecuted in the name of said city and county, against all persons or corporations failing to fulfill their agreements or contracts, either in whole or in part. It shall be the duty of every officer and person in the employ or service of said city and county, when it shall come to his knowledge that any contract or agreement with the city and county, or with any Officer or Department thereof, or relating to the business of any office whatever, has been or is about to be violated by the other contracting party, forthwith to report all facts and information within his possession to the Mayor concerning such matter, and a willful failure so to do shall be cause for the removal of such officer or employee. The Mayor shall give a certificate, on demand, to any officer or employee giving such facts and information that he has done so, which certificate shall be evidence in exoneration from a charge of neglect of such duty. The City Attorney shall prosecute all actions ordered by the Mayor in accordance with the provisions of this section.

SEC. 4. The Mayor, by and with the advice and consent of the Board of Aldermen, shall appoint all officers of the city and county, whose election or appointment is not otherwise specially provided for in this Charter or by law. When a nomination is made to the Board of Alderman it shall take action thereon within thirty days; and in case the officer nominated is not confirmed, the Mayor shall within ten days thereafter, nominate another, and may continue doing so until the place is filled. Neither the Supervisors, nor any member of either Board thereof, shall ever suggest, appoint or nominate any officer, clerk, or employee, to any place in the city and county government, except the officers and clerks of their respective Boards, and except to fill a vacancy in the office of Mayor.

SEC. 5. Any officer or employee of said city and county, not including the Supervisors, may be suspended from office by the Mayor for alleged malfeasance in office or willful failure to discharge his official duty. In the order of suspension the Mayor shall specify in writing the facts constituting the alleged offense for which the officer or employee is suspended, and he shall immediately call a special session of the Board of Aldermen for the purpose of hearing and determining the charges. The Mayor shall at said session present to said Board the charges against said suspended officer or employee in writing, and shall also furnish a copy of such charges to said officer or employee, and the said officer or employee shall have the right to appear with counsel before said Board in defense. If, upon the hearing, it

shall appear that such person has been guilty of malfeasance in office or has willfully failed to discharge his duty, then such suspended officer may be removed from office, by resolution adopted by a vote of a majority of all the members elected and appointed to said Board, but if it shall not so appear, he shall be immediately reinstated. In case of suspension the Mayor may fill the vacancy.

SEC. 6. Whenever a vacancy occurs in either the Board of Alderman or Assistant Alderman, the Mayor shall fill the same by appointment, for the unexpired term. Whenever a vacancy occurs in any other of the elective offices of said city and county, and provision is not otherwise made in this Charter or by law, for filling the same, the Mayor, by and with the advice and consent of the Board of Aldermen, shall appoint a suitable person to fill said vacancy, who shall hold office for the unexpired term.

SEC. 7. Whenever any person shall furnish to the Mayor, a statement, in writing, under oath, to the effect that he has cause to believe, and does believe, that any deputy, clerk, or employee under any officer, or in any Department of the city and county, is incompetent or inefficient, or that there are more deputies, clerks, or employees under any officer, or in any Department, than are necessary, it shall be the duty of the Mayor at once to investigate the matter, and if he believes the charge to be true, he shall report the same to the Board of Aldermen, who shall investigate the same, after notice to such deputy, clerk or employee, and his principal, or the head of the Department, and if the Board, by a vote of a majority of all the members of said Board, find the same to be true, it shall remove, or cause to be removed, such incompetent or inefficient or unnecessary deputy, clerk or employee.

SEC. 8. The Mayor may call special sessions of the Board of Aldermen and Assistant Aldermen, or either of them, and shall specially communicate to them, in writing, when assembled, the objects for which they have been convened, and their action at such sessions shall be confined to such objects.

SEC. 9. Whenever, and so long as the Mayor, from any cause, is temporarily unable to perform his official duties, the presiding officer of the Board of Aldermen shall act as Mayor *pro tempore*, and shall perform such duties. Whenever a vacancy occurs in the office of Mayor, it shall be filled for the unexpired term by election, by the Supervisors assembled in Joint Convention for that purpose; and any citizen possessing the qualifications above set forth, may be chosen Mayor at such election. A Su-

pervisor during the term for which he shall have been elected or appointed shall be ineligible to fill such vacancy.

SEC. 10. The Mayor shall not, during the term for which he shall have been elected, hold any other office, or be a member of any Board or Commission connected with the Federal, State, or city and county government, except *ex-officio* a member of the Board of Public Works and the Board of Health, as hereinafter provided; nor shall he ever receive, for any cause or reason, any other or greater compensation than the salary allowed him by this Charter, as Mayor; *provided*, that nothing herein contained shall be so construed as to prevent the Mayor from performing such official duties as Harbor Commissioner as may be required of him by law.

CHAPTER II.

OF THE AUDITOR.

SECTION 1. There shall be elected at the time and in the manner provided for electing a Mayor, an Auditor, who shall possess the qualifications required for the office of Mayor, and he shall be the head of the Finance Department of said city and county, and is required to be constantly acquainted with the exact condition of the Treasury, and every demand upon it. He shall keep a public office, and give his personal attendance there daily during the office hours fixed in this Charter, and shall not hold any other office, or engage in any other occupation or calling, while he holds the office of Auditor. He shall be the general accountant of said city and county, and it shall be his duty to receive and preserve in his office, all accounts, books, vouchers, documents and papers relating to the accounts and contracts of said city and county, its debts, revenues, and other financial affairs. He shall give information as to the exact condition of the Treasury, and every fund thereof, whenever requested by the Supervisors or either Board thereof, or any Committee or member demanding the same.

SEC. 2. He shall adopt a proper mode and manner of double entry bookkeeping, and keep all the accounts of said city and county, general and special, in a systematic, chronological and orderly manner. He shall keep an account of all money paid into and out of the Treasury, and it shall never be in the power of the Supervisors, or of any Court, Judge, Tribunal, Department, Board,

Commission, officer, or employee of said city and county, to authorize or direct the payment of any money out of the Treasury, upon any pretext whatever, except upon demands duly audited and allowed by the Auditor; and any ordinance or law providing for the payment of money out of the Treasury of said city and county, or any Fund thereof, whether such money be public funds, or private funds deposited therein, shall always be construed as requiring the auditing thereof by the Auditor before the same can be paid by the Treasurer.

SEC. 3. He shall number and keep an official record of all demands on the Treasury allowed by him, showing the number, date, amount, name of the original holder, on what account allowed, out of what Fund payable, and if previously audited, approved or allowed, by what officer, officers or Board it has been so audited, approved or allowed; and it shall be a misdemeanor in office for the Auditor to deliver any demand with his official approval until this requirement shall have been complied with.

SEC. 4. He shall have power to administer oaths and affirmations in matters pertaining to his Department, and shall require settlements of accounts to be verified by affidavit.

SEC. 5. He may appoint a deputy, and not to exceed three clerks.

SEC. 6. The Auditor shall keep in his office a list of all persons receiving salaries or wages from the city and county, with the amount of monthly salary or wages received by each opposite his name, which list shall be, by said Auditor, revised and corrected monthly, and shall at all times be open to public inspection and examination.

SEC. 7. The term "Audited," as used in this Charter, means that the demand or claim has been presented to and passed upon by every officer, Board of officers, Department and Committee having control thereof, and finally allowed, as required by law and this Charter, and this must appear upon the face of the demand, or else it is not "audited."

SEC. 8. No demand upon the Treasury shall be allowed by the Auditor in favor of any person, officer, company or corporation, in any manner indebted to the city and county, either as a debt, tax, license tax, or obligation, legal or equitable, without first deducting the amount of such indebtedness; or in favor of any person or officer having the collection, custody or disbursement of public funds, unless his account has been duly presented,

passed, approved and allowed, as required in this Charter; or in favor of any officer or employee in the service of the city and county who shall have neglected to make his official returns and reports, in writing, in the manner and at the time required by law and by this Charter, or by ordinance, or by the regulations established by the Supervisors; or in favor of any such officer or employee who shall have neglected or refused to comply with any of the provisions of this Charter, and any law regulating the duties of such person; or in favor of any officer or employee in the service of the city and county for the time he shall have absented himself, without cause, from the duties of his office, during the office hours prescribed in this Charter; and the Auditor may examine on oath any officer or employee touching such absence.

SEC. 9. Every demand upon the Treasury, except the salary of the Auditor, must, before it can be paid be presented to the Auditor who shall satisfy himself whether the money is legally due and remains unpaid, and whether the payment thereof from the Treasury is authorized by law, and out of what fund. If he allow it, he shall indorse upon it the word "allowed," with the name of the fund out of which it is payable, with the with the date of such allowance, and sign his name thereto; but the allowance or approval of the Auditor, of the Supervisors, or either branch thereof, or any Department, Board, Committee, or officer, of any demand which, upon the face of it, does not appear to have been expressly made by law, payable out of the Treasury or fund to be charged therewith, shall afford no warrant to the Treasurer, or other disbursing officer, for paying the same. No demand can be approved, allowed, audited or paid, unless it specify each several item, date and value composing it, and refer to the provision of this Charter by chapter and section authorizing the same.

SEC. 10. The demand of the Auditor for his monthly salary shall be audited and allowed by the Mayor. All other monthly demands on account of salaries authorized by this Charter and duly established by the Supervisors, by ordinance, and made payable out of the Treasury of such city and county, so long as such ordinance is in force, may be allowed by the Auditor without any previous approval. All demands payable out of the School Fund must, before they can be allowed by the Auditor or paid, be previously approved by the Board of Education. Demands for the monthly salaries and pay of Fire and Police Department, must, before they can be allowed by the Auditor, or paid, be first approved by the Commissioners of Fire and Police respectively. All other lawful demands payable out of the Treasury or any public funds of such city and county,

and not hereinbefore in this section specified, must, before they can be allowed by the Auditor in any manner, or recognized, or paid, be first approved by the Department, Board or by the Commission, in which the same has originated, and in all cases must be approved by the Board of Aldermen; or, if the demand be under two hundred dollars, by the Mayor and two members of said Board, appointed by the Board for that purpose, with power to act under and subject to its instructions and regulations during recess of the said Board.

SEC. 11. The Mayor, Mayor's Clerk, Auditor, Auditor's Clerks, Chief of Police, Police and Election Commissioners, President of the Board of Education, all the members of the Board of Public Works and the Secretary of said Board, each member of the Board of Aldermen, and every other officer required by law or ordinance to allow, audit or certify demands upon the Treasury, or to perform any other official act or function, shall have power to administer oaths and affirmations and take and hear testimony concerning any matter or thing relating to their official duties. Every officer who shall approve, allow or pay any demand on the Treasury not authorized by this Charter, and by a valid ordinance of the Supervisors passed in accordance with the same, shall be liable to the city and county individually and on his official bond for the amount of the demand so illegally approved, allowed or paid. Every citizen shall have the right to inspect the books of the Auditor, Treasurer, Board of Public Works, and either branch of the Supervisors, and every other Department or officer of such city and county, at any time during business hours. Copies or extracts from said books, duly certified, shall be given by the officer having the same in custody to any citizen demanding the same and paying or tendering sixteen cents per folio of one hundred words for such copies or extracts.

CHAPTER III.

OF THE TREASURER.

SECTION 1. There shall be elected at the time and in the manner provided for electing a Mayor, a Treasurer, who shall possess the qualifications required for the office of Mayor. The Treasurer shall receive and safely keep in a secure fire-proof vault or vaults to be prepared for that purpose, all moneys belonging to, or which shall be paid into the Treasury, either as the money of said city and county or of any person, or upon any trust, or for any purpose

whatever, and shall not loan, exchange, use or deposit the same, or any part thereof, to or with any bank, banker or person; or pay out any part of said moneys except upon demands authorized by law and this Charter, and after they shall have been audited by the Auditor. He shall keep the keys of said vault and vaults, and not suffer the same to be opened except in his presence. At the closing up of the vaults each day he shall take an account and enter into the proper book the exact amount of money on hand, and at the end of every month he shall make and publish a statement of all receipts into and payments from the Treasury, and on what account and Fund. If he violate any of the provisions of this section he shall be guilty of a misdemeanor in office and liable to removal, and proceeded against accordingly. If he loan, exchange or deposit said moneys, or any part thereof, contrary to the provisions of this section, or apply the same to his own use, or to the use of any other person in any manner whatsoever, or suffer the same to go out of his personal custody, except in payment of duly audited demands upon the Treasury, he shall be guilty of a felony, and punished accordingly. He shall keep the money belonging to all Funds established or which may exist under this Charter at any time separate and distinct, and shall, in no case, pay demands chargeable against one Fund out of moneys belonging to another. The said Treasurer shall give his personal attendance at his public office during the hours of nine o'clock in the morning and four o'clock in the afternoon. He may appoint one deputy and two clerks.

SEC. 2. Whenever any audited demand has been presented to the Treasurer, and not paid, and it be made known to the Mayor, he shall proceed immediately to investigate the cause of such non-payment, and if it be ascertained that the demand has been illegally or fraudulently approved or allowed, he shall cause the officer guilty of such illegal or fraudulent approval or allowance to be suspended and proceeded against for misconduct in office. If he ascertains that the demand has been duly audited, and that the Treasurer has funds applicable to the payment thereof, which, without reasonable grounds for doubt as to the legality of such payment, he refuses to apply thereto, he shall proceed against him as a defaulter. If it be ascertained that the demand was not paid for want of funds, then he shall cause the Tax Collector, or other officer, or person, or persons, who ought to have collected, or to have paid the money into the Treasury, if they have been grossly negligent therein, to be proceeded against according to law and without delay.

SEC. 3. The salaries and compensation of all city and county officers, including policemen and employees of all classes, and all teachers in common schools, and others employed at fixed wages, shall be payable monthly. Any demand whatsoever on the Treasury accruing under this Charter shall not be paid, but shall be forever barred by limitation of time unless the same be presented for payment, properly audited, within one month after such demand became due and payable; or if it be a demand which has to be passed and approved by the Supervisors or Board of Education, then within one month after the first regular meeting of the proper Board held next after the demand accrued; or unless the Supervisors shall, within six months after the demand accrued as aforesaid, on a careful examination of the facts, resolve that the same is in all respects just and legal, and that the presentation of it, as above required, was not in the power either of the original party interested, or his agent, or the present holder, when by ordinance they may revive such claims, in which case it shall be barred in the same manner, unless presented for payment within twenty days thereafter; but no action of the Supervisors upon any claim shall make the same payable out of any moneys not arising from the income and revenue of the fiscal year in which the said claim was incurred; nor shall any otherwise valid demand incurred subsequent to the original incurrence of such revived claim be rendered invalid by reason of such revival by exhausting the fund out of which subsequent claims might otherwise be paid; but such revived claims shall take date and place, as of its revival, and not prior to the ordinance of revival.

SEC. 4. The Treasurer, for all money received into the Treasury, and all other officers of such city and county receiving money from the Treasury for disbursement, shall give receipts for all moneys by them received, which receipt shall be presented to and countersigned by the Auditor. The Auditor, before countersigning any such receipt, shall number it, and make an entry in a book of record to be kept in his office for that purpose, of the number, date and amount, by whom, and in whose favor given, and on what account. No such receipt shall be valid as evidence in favor of the person or officer receiving it till presented to the Auditor and countersigned as aforesaid; and any person or officer using, or offering to use, such receipt as evidence in favor of such person or officer of the payment specified in it without being first countersigned, as above required, shall forfeit to said city and county double the amount of money specified in such receipt.

CHAPTER IV.

OF THE TAX COLLECTOR.

SECTION 1. There shall be elected at the time and in the manner provided for electing a Mayor, a Tax Collector, who shall possess the qualifications required for the office of Mayor. The Tax Collector, upon the final settlement to be made by him as such Tax Collector according to law, or this Charter, or any ordinance of the city and county, shall be charged with and shall pay into the Treasury the full amount of all taxes, assessments and all moneys received by him, or otherwise collected and not previously paid over, without any deduction of commissions, fees, or otherwise, including all moneys paid under protest, and for taxes paid more than once, and for street assessments; he shall also be charged with and be debtor to the city and county for the full amount of all taxes due upon the delinquent tax list delivered to him for collection, unless it be made to appear to the satisfaction of the Supervisors evidenced by ordinance that it was out of his power to collect the same by levy and sale of property liable to be seized and sold therefor.

SEC. 2. In default of the payment of taxes or assessments before the time when the Tax Collector may be authorized by law to seize and sell the property therefor, the Tax Collector shall proceed to collect the same, together with the legal fees and per centages, by seizure and sale of the property liable, in the mode prescribed by law for the collection of State and county taxes.

SEC. 3. The Tax Collector shall pay over to the Treasurer into the Treasury, within twenty-four hours after the receipt thereof, any and all sums of money received by him and shall never retain in his custody after such time under any pretense whatsoever any sum or sums of money whatever that have been received by him, or which shall have been paid into his office for or on any account whatsoever by any person, and for any violation of any of the provisions of this Section the Tax Collector may be removed from office, and he and his bondsmen shall be individually and personally liable to said city and county as well as to any person or persons damaged thereby to the full amount of such injury or damage.

SEC. 4. He may appoint one deputy, one cashier and three clerks as his permanent assistants, and during the collection of taxes, not exceeding three months, not to exceed forty additional clerks.

CHAPTER V.

OF THE COLLECTOR OF LICENSES.

SECTION 1. There shall be appointed by the Mayor one Collector of Licenses for said city and county, who shall hold office for two years. He shall collect all licenses required by law or ordinance to be collected within the limits of said city and county, or which shall hereafter be required to be collected by him by law or by ordinance of the city and county.

SEC. 2. It shall be the duty of the said Collector and his deputies to attend to the collection of licenses, and examine all the places of business and persons liable to pay licenses, and to see that licenses are taken out and paid for. They shall each have and exercise, in the performance of their official duties, the same powers as Police officers in serving process or summons, and in making arrests ; and shall also have and exercise the power to administer such oaths and affirmations as may be necessary in the discharge and exercise of their official duties ; and in the discharge of said duties, to demand the exhibition of license for the current time from any person, firm, or corporation, engaged or employed in the transaction of any business for which a license is required by law ; and if such person, firm, or corporation, or either of them shall refuse, or neglect to exhibit such license the same may be revoked forthwith by said License Collector.

SEC. 3. The Auditor is hereby authorized and required to deliver, from time to time, to the Collector of Licenses as many city and county licenses as may be required ; also, to deliver from time to time to said Collector of Licenses, for collection, such city and county licenses as may be required, and to sign the same and charge them to the Collector of Licenses receiving them, specifying in the charge the amounts thereof named in such licenses respectively, and the class of licenses, taking receipts therefor ; and said Collector shall collect the same, signing the same in lieu of the Treasurer ; and all the licenses so signed by the License Collector shall be as valid as if signed by the Treasurer. The Collector shall daily pay to said Treasurer all moneys so collected for licenses sold or by him received as fees ; and shall at least once in every month, and oftener when required so to do by the Auditor, make to the Auditor a report under oath, of all such licenses sold and on hand, and of all amounts paid to said Treasurer, in the manner and upon the conditions which

may be prescribed by the Supervisors, and shall at the time of making such report exhibit to the Auditor, all licenses in his hands, and the Treasurer's receipts for all moneys paid into the Treasury.

SEC. 4. He may appoint one chief deputy and not exceeding twelve assistant deputies.

CHAPTER VI.

OF THE ASSESSOR.

SECTION 1. There shall be elected by the qualified voters of said city and county at the first Gubernatorial election after the approval of this Charter by the Legislature, and every four years thereafter, an Assessor, who shall take office on the first Monday after the first day of January next following his election, and shall hold office for the term of four years, and until his successor is elected and qualified. It shall be his duty to assess all taxable property within said city and county, according to law.

SEC. 2. He may appoint one chief deputy, and ten assistants as his permanent force, and not to exceed fifty additional assistants for such time only as they may be actually employed, not to exceed four months in each fiscal year.

CHAPTER VII.

OF THE RECORDER.

SECTION 1. There shall be elected at the time and in the manner provided for electing a Mayor, a Recorder, who shall possess the qualifications required for the office of Mayor. The Recorder shall have the custody of all books, records, maps and papers deposited in his office, and upon demand and payment of the fees prescribed therefor by law or by ordinance shall furnish to any one applying therefor, a copy of any such book, record, map or paper, certified under his hand and seal of office. He or his deputies, when any papers are presented for registration, or to be recorded, shall write on the margin of each paper so presented the number of folios, and amount paid for the same. The Recorder, in his monthly return to the Treasurer, shall certify under oath the name of each copyist in his office, and the number of folios copied by each of them, and such cer-

tificate of the Recorder shall be sufficient evidence to authorize the Auditor to audit such certified amounts.

SEC. 2. The Recorder shall, at the close of each business day, pay over daily to the Treasurer into the Treasury any and all sums of money received by him officially during that day, or paid into his office by any person whatever. He may appoint one deputy and two assistants, and also as many copyists as are absolutely necessary to perform the duties of his office, who shall be paid at the rate of not exceeding eight cents per folio of one hundred words, for all matter recorded or copied by them respectively; also one Mortgage Clerk.

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ARTICLE IV.

Legal Department.

CHAPTER I.

OF THE SUPERIOR COURT JUDGES.

SECTION 1. The Superior Court Judges shall have power to appoint, not exceeding three interpeters of foreign languages, who shall act as such interpeters in criminal actions and proceedings, in the Courts of said city and county, and in examinations before coroner's juries, each of whom shall receive a salary of not exceeding one hundred dollars per month.

SEC. 2. All requisitions of the said Judges of the Superior Court for necessary furniture, lights and stationery for use in the rooms of said Superior Court, and in the Chambers of said Judges, shall be made to the Supervisors, and the Supervisors shall immediately cause the same to be supplied, and payment therefor made out of the General Fund.

CHAPTER II.

OF THE CITY ATTORNEY.

SECTION 1. There shall be elected by the qualified voters of said city and county, at the same time and manner that other municipal officers are elected, one attorney and counsellor for said city and county, who shall be styled City Attorney. He shall be learned in the law, be a practicing attorney of the Supreme Court of this State, and shall have

been in the active practice of his profession for at least ten years, five of which shall have been in the city and county immediately previous to his election. He shall hold his office for two years, and until his successor is elected and qualified.

SEC. 2. The City Attorney shall bring and prosecute all actions at law and in equity, and all special proceedings, which may be directed by the Mayor, Supervisors, or any Department or Board of said city and county having authority to commence and prosecute such actions and proceedings, or to direct the same, and shall defend all actions and proceedings to which the city and county is a party, and all other actions and proceedings in which the rights or interests of the city and county are involved. He shall also commence and prosecute in the name and on behalf of said city and county, all such actions and proceedings in courts, as he may deem necessary or proper. He shall prosecute or defend all actions and proceedings until the final determination thereof by the courts or tribunals of last resort, unless previously finally determined in favor of said city and county. He shall give legal advice, in writing to the Supervisors, and such legal advice and assistance as counsel or attorney, in or out of Court, to all the Boards and Departments of the government of the city and county, as may be required in writing by such Boards or Departments, and to any officer of said city and county, when directed so to do by the Supervisors. He shall perform such other duties appertaining to his office, as the Supervisors shall from time to time prescribe; and shall commence and prosecute all actions for the recovery of municipal taxes that cannot be collected by the Tax Collector.

SEC. 3. He shall keep in his office well bound books of record and registry, and of briefs and transcripts used in causes wherein he appears, in which books of record and registry shall be entered and kept a register of all actions, suits and proceedings in his charge, in which the city and county is interested, and in which books shall also be recorded, all official written communications by him to any officer or department of the government of said city and county, and all opinions given by him.

SEC. 4. Each outgoing City Attorney shall deliver such books, and all records, law reports, documents, papers, statutes, law books and property in his possession belonging to his office, or to said city and county, to his successor in office, who shall give him duplicate receipts therefor, one of which he shall file with the Auditor.

SEC. 5. The City Attorney may appoint one assistant, and one chief clerk, each of whom shall be an attorney of

the Supreme Court of this State; one office clerk, and one messenger or office boy.

CHAPTER III.

OF THE DISTRICT ATTORNEY.

SECTION 1. The District Attorney is the public prosecutor. He shall be an attorney of the Supreme Court of this State, and shall have been in the active practice of his profession for at least ten years, five of which shall have been in the City and County of San Francisco.

SEC. 2. The District Attorney shall attend the Superior Court of this State, in and for said city and county, and such other Courts as are, or may be established therein, and conduct in said Courts on behalf of the people, all prosecutions for public offenses. He shall commence actions on all forfeited bail bonds within thirty days after they are declared forfeited, and prosecute the same until the final determination thereof by the courts of last resort, unless previously finally determined in favor of the plaintiff; and there shall be no power to compromise any such action, either in the District Attorney or any other officer, or in any Board. In any and all actions and proceedings to recover on bail bonds, the District Attorney may, whenever any property is exposed for sale therein, bid on behalf of said city and county and see that the public interests are protected, and, if necessary, purchase said property for and in the name of said city and county, at a price not exceeding the amount of the judgment had on such bail bond. Said property, when so purchased, shall be held and disposed of by said city and county in such manner as may be prescribed by General Ordinances of the Supervisors, and the proceeds of all sales thereof shall be immediately paid into the Treasury of said city and county, and into the Funds, and be used for the purposes as provided by law with respect to moneys collected or received upon forfeited bail bonds in said city and county. He shall perform such other duties as are or may be prescribed by law.

SEC. 3. The District Attorney may, by written certificate signed by himself, and filed in the County Clerk's office, appoint two Assistant District Attorneys, and at his pleasure remove them, or either one of them, each of whom shall be an attorney of the Supreme Court of this State, and have been in active practice of their profession for at least five years. It shall be the duty of each of such Assistant District Attorneys to assist the District Attorney in the performance of his official duties and to do and perform such other duties in the prosecution of criminal actions in any

of the Courts of said city and county as the said District Attorney may order or direct.

He shall in like manner appoint two Assistant District Attorneys, who shall, under his direction, act as prosecuting attorneys of the Police Court, each of whom shall be an attorney of the Supreme Court of this State.

He may appoint two Clerks to hold office during his pleasure; and also two Clerks who shall perform such duties as may be required of them by the Assistant District Attorneys acting in prosecuting in the Police Court.

Each and all of the above-named assistants and Clerks shall be a part of the legal staff of the District Attorney, and in his office, and subject to his orders and control.

CHAPTER IV.

OF THE PUBLIC ADMINISTRATOR.

SECTION. 1. A Public Administrator of said city and county shall be elected every two years at the time prescribed for the election of other Municipal Officers, by the qualified electors thereof; he shall perform such duties as are or may be prescribed by law.

SEC. 2. All moneys received by him belonging to any estate shall be by said Administrator immediately paid into the Treasury of said city and county to the credit of the particular estate, and shall only be drawn out of said Treasury upon an order signed by a Superior Court Judge, and countersigned by the Clerk of the Superior Court and the Public Administrator, which order shall, before payment, be audited by the Auditor.

SEC. 3. He shall give his personal attention to the duties of his office in and out of Court, and shall not employ attorney or counsel in any matter at the expense of the estate represented, except as herein provided. In all difficult contested cases, or cases at law, or in equity, respecting any estate in his charge, he may make a verified petition to the Superior Court, in the proceeding wherein the administration of such estate is being conducted, setting forth the facts and reasons why it is necessary that he should have the assistance of counsel, and the said Court in such proceedings may assign counsel to aid the Public Administrator, but shall only do so by an order signed by one or more of the Judges thereof, and also entered in the minutes, wherein the facts by reason whereof such necessity exists shall be recited, and such Judge or Judges shall certify to the necessity for the order, and the counsel shall be named, and his

compensation fixed, which shall in no event be a charge upon said city and county. No compensation shall ever be paid for any such assistance rendered before the making of an order therefor as aforesaid.

CHAPTER V.

OF THE COUNTY CLERK.

SECTION 1. The County Clerk of such city and county shall keep open his office, and all offices attached to the various Courts of which he is Clerk, for the transaction of business, every day in the year, except legal holidays, from half past eight o'clock in the forenoon to the hour of five in the afternoon. He shall perform such duties as are or may be imposed on County Clerks by law.

SEC. 2. He shall take charge of, and safely keep according to law, all books, papers and records which are or may be filed or deposited in his office, and of all the Courts of which he is Clerk; and he shall not allow any papers, files or records to leave his custody, except when required by the Judges of the Courts, to be used by them or any of them, or by a referee. He shall be the Clerk of the Justices' Court and of the Police Court of said city and county.

SEC. 3. No Judge or officer of any Court shall make any order for the delivery by the County Clerk of said city and county, of any papers, files or records in his custody; nor shall the Courts or Judges thereof have any power to make orders for the delivery of any certificate of incorporation, bond or other paper filed with the said County Clerk. When any of said papers are required for evidence or use in any of the Courts within said city and county, or before a referee therein, the County Clerk or his deputies shall produce the same, under subpœna or order of the Court, without fee or charge therefor.

SEC. 4. On the commencement in, or removal to the Superior Court of any civil action or proceeding, he shall collect from the plaintiff or party instituting the proceedings, the sum of one dollar, and pay the same immediately into the Treasury of the city and county to the credit of the Treasurer of the Law Library of said city and county.

SEC. 5. He may appoint one chief deputy. He may appoint twelve Deputy Clerks to act as Register clerks, and twelve Deputy Clerks who shall act as Assistant Register Clerks, and twelve deputies to act as Court-room Clerks.

SEC. 6. Such Court-room Clerks, when not in attendance on their respective Courts, shall do duty in the Clerk's office, in copying papers and records, and in comparing copies of

papers and records, and they and all other Deputy Clerks shall perform such other services as may be required of them by the County Clerk.

SEC. 7. He may appoint three Deputy Clerks to perform all clerical duties pertaining to the Justices Court of said city and county, under his direction and supervision.

SEC. 8. For copies of papers furnished and certified by him, he shall charge not exceeding ten cents for each one hundred words. For certifying papers to be copies, which copies are not prepared by him, he shall be entitled to charge one dollar, and also one dollar per hour for the time exceeding one hour necessarily occupied in comparing such copies. It shall be the duty of the said clerk to certify to all papers presented to him which are copies of any document, paper or record, or portions thereof in his custody.

CHAPTER VI.

OF THE JUSTICES' COURT.

SECTION 1. There shall be elected by the qualified electors of said city and county at every general election held in said city and county, five Justices of the Peace, who shall hold their offices for the term of two years and until their successors are elected and qualified, who shall constitute the Justices' Court in and for the said city and county. Any one of said Justices may hold Court, and there may be as many sessions of said Court, at the same time, as there are Justices thereof. The said Justices shall choose one of their number to be Presiding Justice, who may be removed and another appointed in his place by a vote of a majority of them; provided, that in case of the temporary absence or disability of the Presiding Justice, any one of the other Justices, to be designated by the Presiding Justice, may act as Presiding Justice during such absence or disability. Such Court shall always be open, non-judicial days excepted.

SEC. 2. The Justices Court and the Justices thereof, shall have the powers and jurisdiction which are or may be prescribed and conferred by law upon Justices of the Peace and Justices' Courts in said city and county; *provided*, however, that they shall not have power to try or decide any public offenses whereof the Police Court of said city and county has the jurisdiction to try and determine. Until otherwise provided by law, or by ordinance of the city and county, the provisions of Articles I and III, Chapter V. of Title 1 Part One of the Code of Civil Procedure, excepting Sections 84, 86, 97, 98, 111, 112 and 115 thereof, as the same are contained in an Act of the Legisla-

ture, entitled "An Act to amend Part One of the Code of Civil Procedure, and each and every Title, Chapter, and Section of said Part One, and substituting a new Part One to take the place thereof in said Code relating to Courts of Justice and various officers connected therewith," approved April 1, 1880, are hereby made applicable to the Justices Courts and the Justices thereof, in and for said city and county, in like manner and to the same extent as if the same had been at length incorporated in and made a part of this Charter.

SEC. 3. The Deputy Clerks acting in said Justices Court, shall have authority to administer oaths and take and certify affidavits in any action, suit or proceedings therein, and generally such authority as may be prescribed by law for Deputies to the County Clerk of said city and county.

SEC. 4. All actions, suits and proceedings, whereof Justices of the Peace and Justices Courts in said city and county have exclusive jurisdiction, shall be commenced, entitled, and prosecuted in said Court.

SEC. 5. All records, registers, dockets, books, papers, causes, actions, judgments and proceedings lodged, deposited, or pending before the Justices Court, or any Justice of said city and county, are transferred to the Justices' Court of said city and county herein provided for, which Court and the Justices thereof, shall have the same power and jurisdiction over them as if they had been in the first instance, lodged, deposited, filed or commenced therein.

SEC. 6. The Justices Court in said city and county, and the Justices thereof, shall be the Justices Court and Justices thereof respectively, with all the powers and jurisdiction prescribed by law or by ordinance of said city and county, so far as the same are not inconsistent with the provisions of this Charter, and shall continue to act as such until their successors, to be elected at the general election in the year 1884, shall qualify and enter upon the duties of their office.

SEC. 7. The Justices Court herein provided for is the same Justices Court and the Justices thereof are the same Justices which are or were intended to be provided in and for said city and county by the Act of the Legislature which is referred to in the second section of this chapter. Nothing contained herein shall be construed to authorise the election of more than five Justices of the Peace for said city and county, nor to authorize the appointment by the Sheriff of any deputies other than those whom he is authorized to appoint by the provisions of this Charter relating to the office of Sheriff.

CHAPTER VII.

OF THE POLICE COURT.

SECTION 1. There shall be elected by the qualified electors of said city and county, at the general election in the year 1884, and at the general election every second year thereafter, two judges of the Police Court of said city and county, who shall respectively take office on the first Monday after the first day of January next succeeding their election, and shall hold office for two years. Each of said Judges is designated "POLICE JUDGE."

SECTION 2. There is hereby created and established in and for said city and county a Court to be known and designated as the "Police Court." The Police Court shall not be a Court of Record. Said Court shall have a seal. The Judges of said Court may hold as many sessions of said Court at the same time as there are Judges thereof. There shall be two Departments of said Court, denominated, respectively, Department One and Department Two. The Court may sit in Departments, and shall be always open for the transaction of business. There shall be, as far as practicable, an equal distribution of cases between the said Departments, which cases shall be alternately set down for trial to each Department in the order in which the warrants are issued or proceedings brought before the Court. Said Judges shall, as soon as may be after the commencement of said terms of their office, classify themselves by lot for assignment to said Departments, and shall be thereby assigned accordingly.

SEC. 3. All the power and jurisdiction of said Court shall be enjoyed and may be exercised in bank or in either Department thereof.

SEC. 4. All the powers of said Judges may be exercised by either of them.

SEC. 5. The Police Court of said city and county shall have jurisdiction:

First—Of an action, proceeding or prosecution for the violation of any ordinance of said city and county.

Second—Of proceedings respecting vagrants and disorderly persons.

SEC. 6. The said Court shall have jurisdiction of the following public offenses, committed in said city and county:

First—Petit larceny; receiving stolen property, when the amount involved does not exceed fifty dollars.

Second—Assault, and battery, not charged to have been committed upon a public officer in the discharge of his duties or with intent to kill.

Third—Breaches of the peace, riots, affrays, committing willful injury to property, and of all misdemeanors punishable by a fine not exceeding one thousand dollars or by imprisonment not exceeding one year, or by both such fine and imprisonment.

Fourth—Said Court or Judges shall have jurisdiction of proceedings for security to keep the peace; and also, throughout such city and county, the same powers and jurisdiction in other criminal actions, cases, prosecutions, and proceedings as are now or hereafter may be conferred by law upon Police or Justices' Courts.

SEC. 7. The Judges of said Court shall have power to hear cases for examination, and may commit and hold the offender to bail for trial in the Superior Court, and may try, condemn, or acquit, and carry their judgment into execution, as the case may require, according to law, and shall have power to issue warrants of arrest, subpoenas, and all other process necessary to the full and proper exercise of their power and jurisdiction.

SEC. 8. Said Court or Judges shall also have power to commit to the Home for the Care of the Inebriate, when any such institute may be established, any person who may be convicted before them of habitual intemperance, for a term not exceeding six months, or until sooner released by order of the Police Judges or by the Board of Managers of such institution by a two-thirds vote of all the members of said Board.

SEC. 9. The said Court or Judges shall have the power to commit all offenders duly convicted, under eighteen years of age to the Industrial School, of said city and county, in all cases where such commitment shall by said Court or Judge be deemed to be more suitable than the punishment otherwise provided by law, not to exceed six months. If upon any trial it shall appear that the person on trial is under fourteen years of age, and has done an act, which if done by a person of full age would warrant a conviction of the crime of misdemeanor charged, then, and in that case said Court or Judges shall have power to commit such child to the Industrial School. In either case said Court or Judges may sentence such person to be confined in the correctional department of said Industrial School for any term not exceeding six months. Upon application of the Mayor or any member of the Supervisors, or of any three citizens, charging that any child under eighteen years of age, lives an idle or dissolute life, and that his parents are dead, or, if living, do from drunkenness or other vices or causes, neglect to provide any suitable employment, or exercise salutary control over such child, the said Court or Judges shall have power to examine the

matter, and upon being satisfied of the truth of such charges, may sentence such child to the Industrial School; *provided*, that no person shall be so sentenced for a longer period than until he arrive at the age of eighteen years.

SEC. 10. In cases where, for any offence, the said Court is or Judges are authorized to impose a fine, or imprisonment in the County Jail, or both, it or they may, instead, sentence the offender to be employed at labor on the public works, or in the House of Correction, or work house, as the Supervisors may prescribe, for a period of time equal to the term of imprisonment which might legally be imposed, and may, in case a fine is imposed, embrace as a part of the sentence, that in default of payment thereof, the offender shall be obliged to labor on said works, at said House of Correction, or work house, or elsewhere, at the rate of one dollar a day, till the fine imposed is satisfied; *provided*, that no person under the age of twenty-one years, or who is to be sentenced, on conviction for drunkenness or breach of the peace, shall be sentenced to labor upon the public works away from the House of Correction or workhouse.

SEC. 11. The said Court and Judges may punish contempts in the same manner and to the same extent as Superior Courts, and the laws concerning contempts applicable to Superior Courts shall be applicable to said Police Court and Judges.

SEC. 12. The County Clerk shall keep a record of the proceedings of the Police Court, issue all process ordered by said Court, and shall render to the Auditor, monthly, and before any amount can be paid to him on account of his salary, an exact and detailed account, upon oath, of all fines imposed, and all bail forfeited, and moneys collected, as Clerk of said Court, since his last account rendered. He shall prepare bonds, justify and accept bail, when the amount has been fixed by the Police Judges, in cases not exceeding one thousand dollars, and he shall fix, justify and accept bail after arrest, in the absence of the Police Judges, in all cases not amounting to a felony, in the same manner and with the like effect as if the same had been fixed by the Police Judges or Police Court. The County Clerk shall appoint three Deputy Clerks who shall act as Deputy Clerks of said Police Court. The Clerk, and the Deputy Clerks, in this Section mentioned, shall have authority to administer oaths and affirmations, and take and certify affidavits in any proceeding in said Police Court in and for said city and county, and to issue subpœnas.

SEC. 13. The Police Judges and the Deputy Clerks shall attend at the Court rooms of said Court for the dispatch of business daily, from the hour of nine o'clock A. M.

until five o'clock P. M., and during such other reasonable hours as may be necessary for the discharge of their respective duties, except on legal holidays.

SEC. 14. The County Clerk as Clerk of the Police Court shall pay to the Treasurer of said city and county, immediately, all fines collected, and bail forfeited, accompanied by a verified written statement, showing from whom each fine was collected, when collected, in what case, specifying the offense, and in what amount, and in what case, and by whom such bail was forfeited. He shall, immediately upon the forfeiting of any bail bond in the Police Court, transmit to the District Attorney a copy of such bail bond, duly certified by him under the seal of that Court, to be a true copy, stating in such certificate the fact of such forfeiture, and the date thereof.

SEC. 15. Any Justice of the Peace of the said city and county, who may be designated in writing by the Mayor for the purpose, shall have power to preside in and hold the Police Court of said city and county, or any department thereof, in the event of the temporary absence of the Police Judges, or either of them, or of their inability to act from any cause; and during such temporary absence or disability, the Justice so designated shall act as Police Judge, and shall have and exercise all the powers, jurisdiction and authority which are, or may be by law, conferred upon said Court or Judges.

SEC. 16. It shall be the duty of the Assistant District Attorneys acting in the Police Court, or either and each of them, whenever they shall have been credibly informed that any person, criminally injured by another, is likely to die, to take the dying statement of such person, and to immediately reduce the same to writing. It is also hereby made the duty of attending physicians, and others knowing of such cases, to report the same immediately to such Assistant District Attorneys.

SEC. 17. No person shall be permitted to act as attorney or counsel before the Police Court or the Police Judges, unless he shall be an attorney and counsellor admitted to practice in the Supreme Court of this State.

SEC. 18. The Chief of Police shall designate two or more policemen, who shall attend constantly upon the Police Court, act as bailiffs therein, and execute the orders and process of said Court and the Judges thereof.

SEC. 19. The Police Judge's Court and the Police Judge's Court No. 2 of said city and county, and the offices of the Judges thereof, shall be abolished at 12 o'clock noon, of the first Monday after the first day of January, in the year 1885, and at that time all records, registers, dockets, books, papers,

actions, warrants, judgments and proceedings lodged, deposited or pending before the said last-mentioned Courts, or the Judges thereof, shall be, by force hereof, transferred to said Police Court, which Police Court, and the Police Judges herein provided for, shall have the same power and jurisdiction over them as if they had been in the first instance lodged, deposited or commenced in said Police Court or before the Judges last aforesaid; but nothing herein contained shall affect any judgment rendered or proceeding had before that time in said Police Judge's Court or said Police Judge's Court No. 2, or before the Judges thereof, or either of them.

CHAPTER VIII.

OF THE SHERIFF.

SECTION 1. The Sheriff of said city and county shall attend in person, or by deputy, all the Courts in and for said said city and county, except the Police Court. He shall obey all lawful orders and directions of such Courts, and in all other respects conform to the laws regulating the office of Sheriff in this State.

He may appoint one Under Sheriff, one Book-keeper, not to exceed thirty-two deputies, one of whom shall act as Assistant Book-keeper, one Sheriff's Attorney, one Matron for the county jail, and one driver of prison wagon, who shall drive and take care of the horses, and also the harness and the wagon known as the prison van. He shall not appoint any other deputies. The number of deputies in this section provided for shall be inclusive of those in attendance upon the Justices Court, and serving process issued therefrom.

SEC. 2. It shall be the duty of the Sheriff to pay into the city and county Treasury every Monday, all moneys collected and received by him, for fees and charges and compensation for the performance of any official duty, and all mileage and compensation for traveling, and to render monthly statements on oath to the Auditor of all moneys collected or received by him, specifying therein from whom received, for what service, or on what account, and the amount and date of each item accounted for. He shall not charge or receive for any advertisement or publication any other or greater sum than that actually paid by him therefor; and he shall file in each action in the Courts, wherein he may cause any publication to be made, a statement signed by him, showing the amount collected and received by him and from whom, as compensation for such publication, and the amount paid by him therefor with the date thereof and the person to

whom he made such payment. He shall accompany his monthly statement with his affidavit that he has not in any instance charged or received any other or greater sum as compensation for any advertisement or publication made or to be made by him than the sum actually paid by him for the same

SEC. 3. He shall see that all of his Deputies, when not in attendance upon Courts in session or otherwise actively engaged in their official duties, shall report and remain at the Sheriff's office during all the time said office is required by law to be kept open.

CHAPTER IX.

OF CORONERS.

SECTION 1. There shall be elected by the qualified electors of said city and county at the general election after the taking effect of this Charter, and at the general election every two years thereafter, a Coroner for said city and county. He shall observe and conform to and be governed by the law regulating the office of Coroner in this State. Before entering upon the duties of his office, he shall take the constitutional oath of office and give an official bond in the sum of ten thousand dollars.

SEC. 2. The Coroner may appoint two clerks, who shall be sworn to act as First and Second Deputy Coroners in all matters, except those duties on inquests which are or may be forbidden by law, to be delegated. They shall take an oath of office. The Coroner may appoint a Messenger, whose duty it shall be to have charge of the dead wagon, keep in order the morgue, and perform such other duties as are required by the Coroner or his deputies in connection with the duties of his office.

SEC. 3. The Supervisors may provide a suitable office, and jury room, and dead house or morgue, with the furniture lights stationery and fuel necessary to enable the Coroner to efficiently discharge the duties of his office, and make the necessary appropriation therefor.

SEC. 4. The Coroner shall receive no fees for any services rendered by him.

ARTICLE V.

Police Department.

CHAPTER I.

OF THE POLICE COMMISSIONERS.

SECTION 1. There shall be four Police and Election Commissioners of said city and county, to be appointed by the Mayor.

In making such appointments the Mayor shall not appoint more than two from the same political party. The Mayor shall also have power to fill all vacancies, but in filling any vacancy that may occur the Mayor shall not make any appointment the result of which would make more than two of said Commissioners from the same political party. All vacancies filled shall be for the unexpired term only, and said Board shall always be so composed that there shall never be at any one time more than two Commissioners from the same political party.

Every such Commissioner shall, before he enters on the duties of his office, take and subscribe the following oath or affirmation:

“I do solemnly swear (or affirm, as the case may be,) that I will support the Constitution of the United States, and the Constitution of the State of California, that I will faithfully discharge the duties of the office of Police and Election Commissioner according to the best of my ability.”

The term of office of said Commissioners shall be four years; *provided*, however, that the first Commissioners appointed under this Article shall, immediately after their appointment, so classify themselves by lot, that two of them of different political faith, shall go out of office in two years after their appointment.

SEC. 2. No person shall be appointed Police and Election Commissioner who shall not have been a citizen of the United States, and a resident and qualified elector of said city and county, for at least five years preceding his appointment.

SEC. 3. Every Police and Election Commissioner shall, before he enters on the duties of his office, and thereafter continuously, reside in said City and County; and any Commissioner who shall, after his appointment, absent himself from said city and county for the continuous period of sixty days, shall by force thereof cease to be a Police and Election Commissioner, and his office shall become vacant.

SEC. 4. No Police and Election Commissioner shall be eligible to any other office during his incumbency of the

office of Police and Election Commissioner, nor for one year thereafter. No Commissioner shall, during his term of office, be a member of, or take part in, any convention, the purpose of which is to nominate candidates for office nor act as judge, inspector, clerk, or officer of any election or primary election, or take part in any election except to deposit his vote and except when acting as Election Commissioners, when they shall only perform such official duties as may be required of them by law and by this charter; nor shall any member of said Board, directly or indirectly, influence or attempt to influence or control the action of any member of the Police or Election Department of said city and county, or any employee of said department in any primary, special or general election; nor shall any member of said Board collect, or suffer to be collected from any member of the Police or Election Department of said city and county, any assessment or contribution for political purposes. A violation of any of the provisions of this section shall be cause for the immediate removal from office of the person guilty of such violation.

SEC. 5. The Police and Election Commissioners shall meet in said city and county within ten days after their appointment, and shall organize as a Board of Police Commissioners and elect one of their number President of said Board. The sessions of said Board of Police Commissioners shall be held in said city and county, and shall be public. Said Board shall hold sessions at least once a week, in the office of the Chief of Police, or in such other convenient place as the Supervisors shall designate, or in case of emergency at such place as said Board shall select, and the Clerk of the Chief of Police shall act as Clerk of said Board. Every member of said Board, the Chief of Police, and the Clerk of said Board, shall have power to administer oaths in all matters pertinent to the business of their respective offices, and in all investigations pending before said Board, or any member thereof. The Board shall keep an official record of its proceedings.

CHAPTER II.

OF THE POWERS OF THE BOARD.

SECTION 1. The police force of said city and county shall be appointed by said Board of Police Commissioners; and said Board shall have power:—

First—To appoint, suspend or remove any person from the police force; *provided*, however, that the Chief of Police shall only be removable in the manner in this Charter provided for removal of other officers.

Second—To prescribe all needful rules and regulations for the government and discipline of said police force, and from time to time to alter or repeal the same, and prescribe penalties for the violation of any of them.

Third—To hear and summarily determine all complaints of misconduct, inefficiency, or other charge against any member of the police force, and to take such action thereon as shall be most conducive to the maintenance of the discipline and efficiency of the same.

Fourth—To grant permits to all persons desiring to engage in the retail liquor business and to revoke any such permit, whenever it shall be made to appear to said Board that the retail liquor business of the person to whom such permit was given, is conducted in a disorderly or improper manner; *provided*, however, that whenever said Board refuse to grant such permit, or propose to revoke such permit, the person who is refused such permit, or whose permit is proposed to be revoked, shall be entitled to be heard before said Board in person or through counsel, and to have, free of charge, all reasonable facilities for the full, fair and impartial hearing on the merits of his application, or opposition; and *provided further*, that it shall not be lawful for any person to carry on the retail liquor business in said city and county, without the permit hereby authorized. In such permit shall be distinctly stated the name of the person to whom the same is given, and a description of the premises on which such retail liquor business is proposed to be carried on. All complaints to revoke licenses granted by said Board must be in writing, signed by the person making such complaint, and filed with the Clerk of said Board and a copy thereof, certified by the Clerk, must be served on the party complained against at least ten days before the time mentioned in his license as the time for the expiration thereof, and the person holding such license shall have a full, fair and impartial hearing on the merits of such complaint to revoke such license, and before the expiration of his license.

Fifth—Upon the petition of any person, firm or corporation, to appoint a special officer to do special service to be paid for by such person, firm or corporation, specifying the boundary or locality at or within which he is to act as such special officer, which boundary or locality together with the names of the persons, firms and corporations petitioning for such appointment, shall be described in his warrant of appointment; *provided*, that no special officer shall be appointed to act in any part of said city and county, commonly known as the Chinese Quarter; and the said Commissioners shall from time to time designate the boundaries of the Chinese Quarter; *provided further*, that all special officers

shall report daily to the Chief of Police, and be subject to his orders in case of emergency, and in no event shall such officers be paid by the city and county, or any other persons than those who shall have signed said petition, and no such special officer shall become, or obtain, bail for any person charged with any offense whatever or solicit counsel or attorneys for prisoners, and any such special officer who shall ask for, solicit, demand, collect or receive or cause or permit others to do so for his benefit, any money or other thing, for guarding or protecting or on pretense of so doing, the person or property of any person other than those petitioning for his appointment as such special officer or shall violate any of the foregoing provisions shall be guilty of a misdemeanor and dismissed from the service.

Sixth—To prescribe the badge of office and uniform to be worn by all members of the police force, and the badge of office to be worn by all special officers.

Seventh—To allow and order paid out of the Police Fund, as contingent expenses of the Police Department, upon any and all orders signed by the Chief of Police, such amount as shall be allowed by the Supervisors for that purpose; *provided*, that the aggregate of such orders shall not exceed the sum of seven thousand two hundred dollars a year.

Eighth—To require the City Physician, or the Assistant City Physician, without charge to applicants to examine all applicants for appointment on said police force, and to report to the Board thereon.

Ninth—To appoint substitutes, not to exceed numerically five per cent of the police force, to serve under such regulations, and subject to such restrictions as may be prescribed by the Board, and without pay from said city and county.

Tenth—To issue subpœnas, tested in the name of its President to compel the attendance of witnesses and production of papers upon any proceeding legally authorized by the rules and regulations of the Board, any of the provisions of this Charter, or any law of this State, and to enforce obedience thereto, and punish disobedience thereof, in the same manner and to the like extent as the Justices Court of said city and county.

Eleventh—To exercise the same powers as the Justices Court in preserving decorum in all open sessions of the Board, and to punish any contempt committed therat.

Twelfth—To determine within what districts the police force shall be distributed and employed; to designate the prisons to be used for the reception of all persons arrested, convicted, or sentenced for public offenses, in cases not provided for by this Charter, by law or by ordinance; to estab-

lish stations and station houses, or sub-stations and sub-station houses at its discretion, for the accommodation thereat of members of the police force, and as places of temporary detention for persons arrested, and to abolish the same at their discretion.

Thirteenth—Upon any emergency or apprehension of riot, tumult, mob, insurrection, pestilence, or invasion, to appoint as many special patrolmen, without pay, from among citizens, as it may deem desirable. During the service of any such special patrolman, he shall possess all the powers, privileges, and perform all the duties that may be by rules or regulations from time to time prescribed by said Board; and every such patrolman shall wear a badge, to be prescribed and furnished by the Board.

Fourteenth—In its discretion, on conviction of a member of the force of any legal offense, or neglect of duty, or violation of rules of the Board, or neglect of or disobedience of orders, or incapacity, or absence without leave, or any conduct injurious to the public peace or welfare, or immoral conduct, to conduct unbecoming an officer, or any breach of discipline, or punish the offending party by reprimand, forfeiting and withholding pay for a specified time, or dismissal from the force; but no more than fifteen days' pay shall be forfeited and withheld for any one offense. All such fines shall be immediately paid into the Treasury, to the account of the Police Life and Health Insurance Fund.

Fifteenth—To issue to every member of the police force a proper warrant of appointment, signed by the President and countersigned by the Clerk of the Board, which warrant shall contain the date of his appointment and his rank.

Sixteenth—To annually, on or before the first day of August, report to the Supervisors an estimate of the amount of money that will be required to pay all salaries, expenses and contingent expenses of the Police Department for the ensuing fiscal year, and a like estimate of the amount of money that will be required for the administration and support of said Department in such year, specifying in detail the purposes and items, except those known as contingent expenses, for which the same will be required, with the estimated cost thereof respectively.

Seventeenth—To provide for the custody, care, restitution, sale, time, place, and manner of sale, of all property that may come into possession of the Property Clerk, and to provide for the disposition of such property as hereafter specified; *provided*, that all sales shall be at public auction.

Eighteenth—To provide for the care, management, investment or disposition of the Police Life and Health Insurance Fund, and to order paid out of the same, the sums hereinafter provided.

Nineteenth—To provide that not exceeding twenty-five members of the Police force now or at any time allowed by law may be detailed and organized as a Mounted Police, and provided further that each policeman in such branch of the service shall furnish, provide, keep, equip, maintain, care for and feed, at his own expense, his own horse, and that not above fifteen dollars per month shall be allowed such member of such force for such extra service.

Twentieth — To make all necessary and proper rules and regulations for carrying into execution the foregoing powers, and all other powers vested by this Charter, or any ordinance passed pursuant thereto, or by the Constitution or laws of this State, in said department.

SEC. 2. It shall be the duty of the Board, on the reasonable demand of any person whose interests are pending for investigation or examination before said Board, free of charge, to compel the attendance of such persons as may reasonably be necessary to enable him to assert or protect his rights, in such pending examination or investigation, and for this purpose it shall depute such officer or officers of the police force as may be necessary.

SEC. 3. The President of the Board shall have power to convene the Board at such time and upon such reasonable notice as he may deem fit; and the decision of any three members shall be the decision or order of the Board. The Clerk shall have custody of all the records and official documents of the Board.

CHAPTER III.

OF THE POLICE FORCE.

SECTION 1. The police force of said city and county shall consist of—

First—The Chief of Police, who shall hold office for the term of four years from the date of his appointment.

Second—Six Captains of Police.

Third—As many Policemen—not exceeding four hundred, exclusive of said six Captains—as said Board may determine to be necessary, and the members of the Police force in service at the time this charter goes into effect shall constitute such Police force. Said force shall remain at four hundred until the National Census of 1890 has been officially published, after which time should the population of said city and county exceed two hundred and fifty thousand, and the public interests so require, said Board of Police Commissioners shall have power by and with the consent and approval of the Supervisors, evidenced by

proper ordinance, to increase said force above the number of four hundred at the rate of one Policeman for every eight hundred of population above said two hundred and fifty thousand; and *provided further*, that said Board of Police Commissioners shall have power at any time after the adoption and approval of this Charter, by and with the consent and approval of the Supervisors, evidenced by proper ordinance, to decrease said police force below four hundred, or below any number at which it may be at any time whatever, or below any increase of said police force hereafter or at any time made; should any decrease in population occur or the public interests should so require. Whenever any increase of said force shall be authorized as above, the Board of Police Commissioners shall have the sole power of appointment as in other cases.

Fourth—One policemen may be detailed to act as Clerk of the Chief of Police, one as Property Clerk, not to exceed twelve (12) to act as detectives, and not to exceed forty-five (45) to act as Sergeants of Police. Out of and from the salary of each member of said police force, the Treasurer is hereby authorized to deduct and retain two dollars from every month's salary, to be paid into a fund to be known as the "Police Life and Health Insurance Fund," which fund shall be administered as hereinafter provided.

SEC. 2. In making appointments to said police force the Board shall not regard the political or partisan preference or affiliations of the candidates.

SEC. 3. Every appointee to said police force must be a citizen of the United States, and of this State, of good character for honesty and sobriety, able to read and write the English language, and a resident of said city and county at least five years previous to his appointment; except such member of said police force as may be in service at the time this Charter goes into effect every appointee hereafter shall not be less than twenty-five years, nor more than forty years of age, and shall after his nomination, and before his appointment, pass a thorough examination by the City Physician or the Assistant City Physician, and be found on such examination to be in sound health, and to possess the physical qualifications required for recruits for the United States Army.

CHAPTER IV.

OF THE CHIEF OF POLICE.

SECTION 1. In the suppression of any riot, public tumult, disturbance of the public peace, or organized resistance against the laws or public authority, in the lawful exercise of his functions, the Chief of Police shall, for the time being, have

all the powers that are now, or may be conferred on Sheriffs by the laws of this State, and his lawful orders shall be promptly executed by all police officers and special patrolmen, if any there be, and every citizen shall, when required, lend him aid for the arrest and detention in custody of offenders, and the maintenance of public order. He shall keep a public office which shall be open, and at which, in case of his absence, a Captain of Police, or police officer, by him designated for that purpose, shall be in attendance at all hours, day and night. In case of his absence from his office, it shall be made known to the police officer in attendance where he can be found, if needed. He shall designate one or more police officers to attend constantly on the Police Court and to execute its orders and process. He shall detail and remove at his pleasure, policemen to act as his clerk, and as Prison Keepers, and as Property Clerk. He shall supervise and direct the police force, and shall observe and cause to be observed the provisions of this Charter, and enforce within said city and county all laws of this State applicable thereto, and all ordinances of said city and county, and all rules and regulations prescribed by the Board of Police Commissioners. He shall see that the lawful orders and process issued by the Police Court are promptly executed, and shall exercise such other powers connected with his office as Chief of Police as may be prescribed in the general rules and regulations of the Board. He shall acquaint himself with all statutes and laws in force in this State, defining public offences and nuisances, and regulating criminal proceedings, and shall procure and keep in his office the statutes of this State and of the United States, and all necessary works on that subject. He shall give information and advice touching said laws gratuitously to all police officers and magistrates officially asking for it.

SEC. 2. In cases of great public emergency or danger, he may appoint an additional number of persons of approved character for honesty and sobriety, as policemen, who shall have the same powers as other police, for twenty-four hours, only, but without pay.

SEC. 3. He shall have power from time to time to dispose of such sum or sums for contingent expenses of said Department as in his judgment shall be for the best interest of said city and county, to be paid out of the contingent expenses allowed said Police Department, provided that the aggregate of all such sums shall not in any one fiscal year exceed the sum of seven thousand two hundred dollars, but all sums so disbursed or paid shall be subject to the approval of the Board of Police Commissioners.

SEC. 4. He shall have full control and direction of all members of said police force, with full power to detail any of

them to such public service as he may direct, and with like power to temporarily suspend any member or officer on said police force, but in all cases of such suspension he shall promptly report the same to the Board, with the reasons in writing therefor.

SEC. 5. The Chief of Police, Captains, and every officer and member upon said police force shall provide himself with uniform, to be prescribed by the regulations of the Board, which shall be worn by him on all occasions, while on duty, with such exceptions as may be permitted by the Chief of Police in the performance of detective duty. It shall be the duty of the Chief of Police to maintain and enforce rigid discipline, so as to secure the complete efficiency of said police force.

CHAPTER V.

OF THE DUTIES OF POLICEMEN.

SECTION 1. Policemen, in subjection to the orders of their respective Captains, and all, under the general direction of the Chief of Police, shall be prompt and vigilant in the detection of crime, the arrest of public offenders, the suppression of all riots, frays, duels and disturbance of the public peace, the execution of process from the Police Court, in causing the abatement of public nuisances, and the enforcement of the laws and of all ordinances of said city and county.

SEC. 2. Each member of the police force, under the penalty of a fine of fifteen days' pay or dismissal from the force, at the discretion of the Board, shall, immediately upon making an arrest, convey in person the offender to prison, that he may be dealt with according to law. If the arrest is made during the hours that the magistrate does not regularly hold Court, or if the magistrate is not holding Court, such offender may be detained in a station house until the next public sitting of the magistrate, and no longer, and shall then be conveyed without delay before the magistrate, to be dealt with according to law; and it shall be the duty of the Board to provide certain rules and regulations to prevent the undue detention of persons arrested.

SEC. 3. Each member of the police force shall take and subscribe the constitutional oath of office before entering upon the duties of his office.

SEC. 4. It shall be the duty of every policeman on the arrest of any notorious or dangerous offender, or any person charged with the commission of a grave crime, to search the person of such offender, and take from him all property and

weapons, and to forthwith deliver the same to the Prison Keeper, who must deliver it to the Property Clerk, to be by him kept until other disposition be made thereof, according to law. All persons arrested for drunkenness, and who are in an apparently stupefied or senseless condition, shall be examined by a Police Surgeon, if there be one in attendance, before being placed in a cell, and if upon such examination such person shall not be found intoxicated, or if otherwise necessary, he or she shall be conveyed to one of the Receiving Hospitals and receive the proper medical treatment.

SEC. 5. No officer, member or employee of the Police Department shall be eligible to any other office while connected with such force, nor shall he take any part whatever in any convention held for the purposes of a political party; nor shall he be a member of any political club. No member of said police force shall interfere with polities on an election day, or at any other time while employed on said force. No member of said police force, while on duty, shall enter any liquor saloon, bar-room or place where liquors are retailed, except in the discharge of his duties. Any violation of any of the provisions of this section shall constitute a misdemeanor, and any officer, member or employee of said police force found guilty of the violation of the same shall be removed from office.

SEC. 6. No member of the police force shall engage in any other profession or calling, become bail for any person charged with any offense whatever, solicit counsel or attorneys for prisoners, receive any present or reward for services rendered, or to be rendered, unless with the knowledge and approbation of a majority of the Board, such approbation to be given in writing; nor be allowed pay for any period during which he shall absent himself from duty, unless such absence necessarily results from sickness or disability occasioned by injuries received in the discharge of his official duty.

SEC. 7. Any officer, member or employee of said force, asking for, soliciting, demanding, collecting or receiving, or causing or permitting others to do so for his benefit, any money or other thing, for guarding or protecting, or on pretence of so doing, the person or property of any person, shall be guilty of a misdemeanor and be dismissed from the service, except that special police officers shall be subject as to compensation and reward, to the provisions of Sub-division Fifth, of Section 2 of Chapter II, hereof.

CHAPTER VI.

OF THE REMOVAL OF POLICE OFFICERS.

SECTION 1. Any officer, employee or member of the police force, other than the Chief of Police, guilty of any legal offense; neglect of duty, violation of rules, or neglect or disobedience of orders, or incapacity, or absence without leave, or conduct injurious to the public peace or welfare, or immoral conduct, or conduct unbecoming an officer, or any breach of discipline, shall be liable to be punished by reprimand, withholding pay for a specified time, or dismissal from the force; but no more than fifteen days' pay shall be forfeited or withheld for any one offense.

SEC. 2. Officers, employees, and members of the police force, other than the Chief of Police, shall be subject to removal or punishment for any of the reasons specified in the preceding sections, only upon trial before the Board of Police Commissioners. Charges of negligence, inefficiency, misconduct, oppression, or any of the causes in the preceding section specified, when presented by the Chief of Police, or a Captain, or a Sergeant of Police, or in a verified complaint, setting forth the specific acts complained of, shall be received and attentively considered and determined by the Board, giving to the accused such reasonable notice as it may prescribe, and an impartial hearing in defense; and upon such hearing the accused shall have the right to be heard in person or by counsel. Upon any trial, as provided for in this section, it shall be the duty of the Board to furnish the accused with all reasonable facilities for the conduct of his defense, and to secure to him, free of charge, the attendance of all witnesses reasonably necessary for his defense.

The Chief of Police, for official misconduct, may be punished or removed from office, as otherwise provided in this Charter, or by law.

CHAPTER VII.

OF LOST OR STOLEN PROPERTY.

SECTION 1. All property or money alleged or supposed to have been feloniously obtained, or which has been lost or abandoned, and which shall hereafter be taken into the custody of any member of the police force or any Criminal Court in the city and county of San Francisco, or which shall come into the custody of any Police Judge, shall be by such member, Judge, or Court, given into the custody of, and kept by the Property Clerk. All such property and money shall be

particularly registered by such Clerk, in a book kept for that purpose, which shall contain also the record of the names of the persons from whom such property or money was taken, the names of all claimants thereto, the time of the seizure, and any final disposition of such property and money.

SEC. 2. Whenever property or money shall be taken from persons arrested, and shall be alleged to have been feloniously obtained or to be the proceeds of crime, and whenever so brought with such claimant and the person arrested before some judge or court for adjudication, and the judge or court shall be then or there satisfied from evidence that the person arrested is innocent of the offense alleged, and that the property rightfully belongs to him, said Court or Judge may thereupon, in writing, order such property or money to be returned, and the Property Clerk, if he have it, to deliver such property or money to the accused personally, and not to any attorney, agent, or clerk of such accused person.

SEC. 3. If any claim to the ownership of such property or money shall be made on oath before such judge or court, by or on behalf of any person other than the person arrested, and the said accused person shall be held for trial or examination, such property or money shall remain in the custody of the Property Clerk until the discharge or conviction of the person accused.

SEC. 4. All property or money taken on suspicion of having been feloniously obtained, or being the proceeds of crime, and for which there is no other claimant than the person from whom such property was taken, and all lost property coming into the possession of any member of said police force, and all property and money taken from pawn-brokers as the proceeds of crime, or by any such member taken from persons supposed to be insane, intoxicated, or otherwise incapable of taking care of themselves, shall be transmitted as soon as practicable to the Property Clerk.

SEC. 5. All property and money that shall remain in the custody of the Property Clerk for the period of one year, without any lawful claimant thereto, after having been three times advertised in the official newspaper of said city and county, shall be sold at public auction, and the proceeds of such sale shall be paid into the Treasury of said city and county to the credit of the General Fund; *provided*, however, that whenever it may be necessary to use such property as evidence upon any criminal prosecution, the same shall not be sold or disposed of, as herein authorized, until the occasion for the use thereof, as evidence, shall have ceased, and thereupon it shall be disposed of as hereinbefore provided; *provided, further*, however, that the Board of Police Commissioners, except where herein otherwise expressly pro-

vided, may order, in writing, said Property Clerk to restore any of said property to the lawful owner thereof; and *provided, further*, that whenever it shall appear to the Board to be for the best interest of the public, it may direct the destruction of such of said property as shall consist of lottery tickets, obscene literature, or of implements and property used in the commission of crime; and *provided, further*, that the proceeds of property taken as aforesaid from persons supposed to be insane, shall not permanently become part of said Fund until after the expiration of two years from the time when the same shall come into the Treasury; it shall be the duty of the Chief of Police and of said Board, immediately after the seizure or finding of any property of any such supposed insane person, to diligently endeavor to find out the guardian or other person lawfully entitled to the possession of such property, or the proceeds thereof, and to deliver the same to him; but if such person cannot be found and the proceeds of said property shall remain unclaimed for said period of two years, then the same shall permanently become part of said Fund.

SEC. 6. If any property or money placed in the custody of the Property Clerk shall be desired as evidence in any Police Court or other Court, such property shall be delivered to any officer who shall present an order to that effect from such Court. Such property or money, however, shall not be retained in such Court, but shall be returned to said Property Clerk, to be disposed of according to the provisions of this Article.

CHAPTER VIII.

OF THE POLICE LIFE AND HEALTH INSURANCE FUND.

SECTION 1. The Police Life and Health Insurance Fund shall consist of the moneys retained from the monthly salaries of the members of the police force, fines collected from members of said force, and such other moneys as may be contributed thereto by gift, devise, or bequest. Said Fund, together with all moneys in the Treasury of said city and county to the credit of said Fund at the time when this Charter goes into effect, shall be under the control and management of the Board of Police Commissioners.

SEC. 2. The Board shall from time to time, as in its judgment it may deem best, invest the moneys of the Police Life and Health Insurance Fund in such of the following securities as shall seem most safe and profitable: the bonds of the City and County of San Francisco; the bonds of the State of California; the bonds of the United States of America. The

securities shall be delivered to and held by the Treasurer of said city and county, who shall be responsible therefor on his official bond, and he shall have no power to deposit, pledge, or in any other way part with said securities, or the evidence thereof, except on the order of said Board. Upon making any such investment the Board shall immediately report the same, with all particulars thereof to the Auditor.

SEC. 3. Upon the death of any member of said force, there shall be paid by the Treasurer, upon the order of said Board, after being audited by the Auditor, out of said Police Life and Health Insurance Fund, to the heirs of said deceased, the sum of one thousand dollars, for their sole and separate use and benefit forever; *provided, however,* that any Court of competent jurisdiction shall have the power to determine who are the legal heirs, should the question be contested.

SEC. 4. In case any member of the police force shall resign, by reason of bad health or bodily infirmity, occasioned in the line of duty, and his resignation for that reason shall be accepted by the Board of Police Commissioners, there shall be paid to him in like manner, from said fund, the amount of the principal sum which he shall have contributed thereto.

SEC. 5. In case of dismissal of any member of the police force for mere incompetency, not coupled with any offense against the laws of the State, or of this Charter, or any ordinance of the Board of Supervisors, such officer shall be paid in like manner from said fund such amount as the Police Commissioners may award, not exceeding one-half of the sum he may have contributed to said fund.

SEC. 6. Any officer dismissed for neglect, or violation of duty, or upon conviction of any misdemeanor or felony, shall forfeit all claim upon said fund.

SEC. 7. In case such fund shall not be sufficient to pay the demands on it, such demands shall be audited and registered, and paid in their order out of the funds, as received; *provided, however,* that the city and county shall never be liable for any deficiency in said fund.

SEC. 8. The Property Clerk of said city and county shall before entering on the duties of his office, give bond, with good and sufficient sureties, in the sum of ten thousand dollars, to the city and county to be approved, as in cases of other official bonds, and be filed with the Auditor, and at all times keep the said bond good. All persons aggrieved by any official misconduct, or neglect, of said Property Clerk, shall have the right to maintain an action upon said bond, in their own name, for the recovery of such damages as they may have sustained, not exceeding the amount of said bond.

CHAPTER IX.

OF THE FIRE MARSHAL.

SECTION 1. It shall be the duty of the Board of Police Commissioners, upon the written recommendation of the Association known as the Board of Underwriters of the City and County of San Francisco, to appoint such person as may be nominated by said Association, as Fire Marshal of the City and County. Such Fire Marshal shall not be required to perform any other police duty.

SEC. 2. It shall be the duty of said Fire Marshal to attend all fires which may occur in said city and county, with a badge of office conspicuously displayed; to take charge of and protect all property which may be imperiled at any such fire, and safely keep the same under his control until demand therefor by the owner thereof; he shall, as far as practicable, prevent such property from being injured; direct, when in his opinion it shall be necessary, the removal of goods, merchandise and other property to a place of safety; investigate into the cause of such fires as occur in said City and County; and in all cases where he shall believe that a crime has been committed, make a written report of such investigation to the District Attorney, whose duty it shall be to institute criminal prosecutions where it shall appear from such report that there is probable cause for believing the fire has been caused by design. It shall be the duty of said Marshal to aid in the enforcement of the fire ordinances of said city and county, and for this purpose, he shall visit and examine all buildings in process of erection or undergoing repairs.

SEC. 3. He shall have power to appoint such policemen as may be detailed therefor by the Chief of Police, or who may be present at any fire, to save and protect property at such fire until the same shall be delivered to the owner thereof.

SEC. 4. The Fire Marshal shall, on the first Monday of every month, file with the Clerk of the Supervisors, a sworn statement and description of all property in his possession or under his control, and showing from where said property was obtained by him.

SEC. 5. Any person who shall wilfully hinder or obstruct said Fire Marshal, or any of his appointees, in the lawful discharge of his or their duties, shall be guilty of a misdemeanor; *provided*, however, that nothing herein contained shall be so construed as to authorize said Fire Marshal to interfere in any manner with the proper discharge of the lawful duties and authority of the Fire or Police Department.

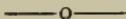
SEC. 6. It shall be the duty of the Chief of Police to detail such police officers as shall be necessary to enable said

Fire Marshal to effectually perform his duties, and they shall aid him in the performance of his duties.

SEC. 7. The salary, fee and pay of the Fire Marshal shall be fixed and paid by the said Board of Underwriters, and in no event shall the City and County be liable therefor, or for any part or portion thereof.

SEC. 8. The Fire Marshal shall before entering on the duties of his office, give bond, with good and sufficient sureties, in the sum of twenty-five thousand dollars, to the City and County, to be approved, as in cases of other official bonds, which bond shall be filed with the Auditor, and at all times keep the said bond good. All persons aggrieved by any official misconduct, or neglect, of said Fire Marshal, shall have the right to maintain an action upon said bond, in their own name, for the recovery of such damages as they may have sustained, not exceeding the amount of said bond.

SEC. 9. The Supervisors may at any time by ordinance repeal the whole or any part of this Chapter.



ARTICLE VI.

Public Instructions and Libraries.

CHAPTER I.

OF SCHOOLS.

SECTION 1. The School Department of the city and county of San Francisco shall include all the public schools thereof, whether supported by State, poll, or city and county taxes, or by any other source whatsoever; and shall include Primary and Grammar Schools, and may, at the option of the Board of Education, include Evening, Technical, Cosmopolitan, High and Normal Schools.

SEC. 2. Instruction shall be furnished free of expense to all children residing in the city and county, in such branches as the Board of Education may determine, but which must include instruction necessary for a common school education, and may include the higher branches taught in the Grammar, High, and Normal Schools of the said city and county. Music and Drawing may be taught but no special teachers shall be employed to teach the same and no special teachers shall be employed to teach either the French, German or Spanish language.

SEC. 3. All children between the ages of six and fourteen, residing within the limits of the city and county, are entitled to receive the benefits of a common school education, and all minors older than fourteen may be instructed in such higher branches of education as may be established or provided by the Board of Education; but the Board of Education shall have no power to establish or maintain schools for instruction in the higher branches of education until full and ample facilities are provided for instruction in the elementary, primary and grammar classes of the public schools.

Sec. 4. The Board of Education may, in its discretion, establish Kindergarten schools for the tuition of children between the ages of three and six years.

CHAPTER II.

OF THE BOARD OF EDUCATION.

SECTION 1. The School Department shall be under the control and management of a Board of Education, which shall be composed of nine School Directors, who shall possess the same qualifications as to eligibility, as are prescribed in this charter for members of the Board of Aldermen, and who shall be elected by the qualified voters of the city and county by general ticket in the manner provided for the election of other municipal officers, to hold office for two years and until their successors are elected and have qualified.

SEC. 2. The School Directors shall qualify by taking the constitutional oath of office. They shall receive no salary, nor shall they be pecuniarily interested, directly or indirectly, in any supplies furnished or work done for the School Department.

SEC. 3. Immediately after the appointment and qualification of the School Directors, they shall meet and organize, as the Board of Education, with the County Superintendent for President, and they may elect a Secretary, who shall not be a member of the Board.

SEC. 4. The Board of Education thus organized shall meet monthly, and at such other times as it may determine. Six members shall constitute a quorum to transact business, but a smaller number may adjourn from time to time.

SEC. 5. The Board of Education shall determine the rules of its proceedings, but five votes shall be required to carry any measure, and the ayes and noes shall be taken when de-

manded by any two members, and spread on the records of the Board.

SEC. 6. All sessions of the Board of Education shall be public, and the records of the Board shall be open to public inspection.

CHAPTER III.

OF THE POWERS OF THE BOARD OF EDUCATION.

SECTION 1. The Board of Education shall have power:

- 1st. To establish school districts, and to fix and alter the boundaries thereof.
- 2d. To establish and maintain public schools, as provided for in this Charter, and to change, modify, consolidate, and discontinue the same, as the public good may require.
- 3d. To employ, pay and dismiss such persons as may be necessary to carry into effect the powers and duties of the Board of Education, and to fix, alter, and allow paid their salaries or compensation; and to withhold for good and sufficient cause the whole or any part of the wages, salaries, or compensation of any person or persons employed as aforesaid; provided, however, that no teacher shall be dismissed except for sufficient cause which shall be determined by said Board after giving the accused teacher due hearing in his or her defense.

In the matter of the appointment of teachers:

The Board of Examiners shall furnish the Board of Education with a record book, which shall contain the names and residences of teachers, showing the number of years experience, date, number and grade of certificate granted by them, together with the percentage obtained on examination.

Whenever additional teachers are required or vacancies are to be filled it shall be done in the manner following, to wit: The names having the highest percentage shall be taken in their order from said record book. All such names shall be referred to the Committee on Credentials and Qualifications of Teachers, who shall report thereon at the next regular meeting of the Board. Upon receiving a favorable report from the Committee, the Board shall proceed to appoint one or more of the candidates, to fill such position or positions. The appointment so made shall

continue for six months, unless sooner revoked by the Board. At the expiration of the period of the appointment, the Board shall proceed to elect such appointed person or persons permanently to the position, provided that they present to the Board a certificate of success, signed by the Principal of the school where they have been teaching, by the Superintendent, Deputy Superintendent, and a majority of the Classification Committee. But if such appointee fail to present such certificate to the Board, his or her position shall be declared vacant, and a new appointment shall in like manner be made.

- 4th. To make, establish and enforce all necessary rules and regulations for the government and efficiency of the schools, and for carrying into effect the school system; to prevent and remedy truancy, and to reform truants, and for the care of children between the ages of six and fourteen, without lawful occupation, who may be found wandering about the streets or in public places.
- 5th. To investigate all charges of misconduct or dereliction of duty on the part of any person connected with, or in the employ of the School Department; to take testimony, and for that purpose, the President of the Board or the presiding member of any meeting of the said Board or a Committee thereof shall have power to administer oaths, or affirmations; and to issue subpœnas, tested in the name of its President to compel the attendance of witnesses and production of papers upon any proceeding legally authorized by the rules and regulations of the Board, any of the provisions of this Charter, or any law of this State, and to enforce obedience thereto, and punish disobedience thereof, in the same manner and to the like extent as the Justices Court of said city and county.
- 6th. To provide for the School Department all supplies and material necessary for use in the schools, or in the offices of the Board or the Superintendent, and to incur incidental expenses not exceeding two hundred dollars per month.
- 7th. To rent, and provide school houses, and to furnish them with proper school furniture, apparatus and school appliances; to use and control such buildings as may be necessary for the requirements of the Department.

- 8th. To receive, lease, and hold in fee, in trust for the city and county, any and all real estate and personal property that may have been or which hereafter may be acquired for the use and benefit of the schools of said city and county.
- 9th. To sue, in the name of the city and county of San Francisco for any and all lots, lands and property belonging to or claimed by the School Department of said city and county, and to prosecute and defend all actions at law or special proceedings or suits in equity concerning the enjoyment and possession of said lots, lands and property, and to require the services of the City Attorney in all such actions, suits and proceedings.
- 10th. To establish regulations for the just economical and equal disbursement of all moneys belonging to the School Department or to the Common School Fund, and strict accountability in the expenditures thereof; to provide for the prompt payment, on the fifth day of each month in every year, of all salaries due and allowed teachers and other employees of the School Department.
- 11th. To dispose of and sell at public auction such personal property used in the schools as shall no longer be required; and all moneys realized by such sales shall be paid into the Treasury to the credit of the Common School Fund.
- 12th. To lease, by and with the consent of the Supervisors, for the benefit of the Common School Fund, for a term not exceeding ten years, any property of the School Department not required for school purposes.
- 13th. To receive and manage property or money acquired by bequest or donation, in trust for the benefit of any school, educational purpose, or school library.
- 14th. By and with the consent of the Supervisors to purchase for the School Department, real estate when necessary.
- 15th. To do and perform such other acts as may be necessary and proper to carry into force and effect the powers conferred upon such Board of Education.

SEC. 2. The President of the Board of Education, the Chairman of the Finance Committee of said Board, the Secretary thereof, and his assistants shall have power to administer oaths or affirmations concerning any demands upon the Treasury payable out of the Common School

Fund, or other matters relating to their official duties or to this Department.

SEC. 3. It shall be the duty of the Board of Education to furnish all necessary supplies for the public schools. All supplies, books, stationery, fuel, printing, goods, material, merchandise, and every other article and thing supplied to or done for the public schools, or any of them, when the expenditure to be incurred on account of any such matter may exceed one hundred dollars, shall be done or furnished by contract let to the lowest responsible bidder, after public advertisement in the mode prescribed by section four of this Chapter.

SEC. 4. It shall be the duty of the Board of Education, annually, on the first day of May, or within five days thereafter, to make a list of supplies required by the School Department for the ensuing fiscal year, stating in clear and explicit terms the estimated quantities and kinds of all articles needed and how and when to be delivered, and to invite proposals for furnishing the same by advertising with the conditions thereunto appended, for at least five consecutive days, in not less than two daily newspapers of general circulation published in the city and county, one of which shall be the official newspaper. The mode of receiving bids and the awarding of contracts by the Board of Education, shall in all respects be governed by the law, provided in this charter for receiving bids and awarding contracts by the Supervisors, except that the approval of the Mayor shall not be necessary thereto.

In the event of all the bids being rejected, the Board shall readvertise invitations for proposals.

SEC. 5. Any School Director, officer, or other person officially connected with the School Department, or drawing a salary from the Board of Education, who shall, while in office or so connected or drawing salary, be interested either directly or indirectly in, or who shall gain any advantage or benefit from any contract, payments under which are to be made in whole or in part of the moneys derived from the Common School Fund, or raised by taxation or otherwise for the support of the public schools, shall be guilty of felony, and this provision shall not be construed to relieve such persons from any other penalty, but shall be deemed cumulative to other penalties and disabilities as to such acts and offenses.

SEC. 6. The Board of Education shall make and transmit, between the fifteenth day of July and the tenth day of August in each year, to the State Superintendent of Public Instruc-

tion, and to the Supervisors, a report in writing for the preceding fiscal year, stating the whole number of schools within their jurisdiction; the length of time they have been kept open; the number of pupils taught in each school; the daily average attendance of pupils in all the public schools; the number of teachers and list of salaries paid to each, the amount of money drawn from the Treasury by the Department during the year—distinguishing the amounts drawn from the general funds of the State from all others; and from what sources, and the manner and purposes in which such money has been expended, with particulars; and such other information as may be required from them by the State Superintendent, the Supervisors or either Board thereof, or the Mayor.

SEC. 7. The Board of Education shall between the 1st and 31st day of May, of each year, fix a schedule of salaries for teachers or other employees of the School Department, to take effect on the first day of July following, and to remain in force during the fiscal year.

CHAPTER IV.

OF THE SUPERINTENDENT OF SCHOOLS.

SECTION 1. The Superintendent of Schools shall be *ex officio* a member of the Board of Education, and President thereof, without the right to vote.

SEC. 2. Said Superintendent shall appoint two Deputy Superintendents, whose salaries shall be fixed by the Board of Education, and paid out of the General Fund; their duties shall be to personally visit the schools in the districts, severally apportioned to them, and to examine at least once a year each and every class therein, and to report on the efficiency of each teacher.

SEC. 3. In case of a vacancy in the office of Superintendent of Schools, the Mayor shall appoint, by and with the advice and consent of the Board of Aldermen, a person to fill the vacancy for the unexpired term.

SEC. 4. It shall be the duty of the Superintendent:

- 1st. To make, establish and enforce all necessary rules for the government and efficiency of the teachers and pupils; to regulate and grade the schools, the course of studies and mode of instruction therein.
- 2d. To recommend to the Board of Education the dismissal of teachers and the cancellation of their certificates, stating the reasons therefor.

- 3d. To see that the schools are efficiently conducted, and that the laws and the regulations of the Board of Education are enforced in all things, and that no religious or sectarian books or teachings are allowed in the schools, and to report quarterly to the Board.
- 4th. To report to the Board of Education annually, on or before the twentieth day of August, and at such other times as the Board of Education may require, all matters pertaining to the condition and progress of the Public Schools of said city and county during the preceding fiscal year, with such recommendations as he may deem proper.
- 5th. To observe, and cause to be observed, such general rules for the regulation, government and instruction of the schools—not inconsistent with the laws of the State—as may be established by the Board of Education.
- 6th. To attend all sessions of the Board of Education and inform said Board of the condition of the schools, school houses, and other matters connected therewith; and to recommend such measures as he may deem necessary for the advancement of education in the city and county.
- 7th. To notify the Board of Education, at all times, of any waste, misappropriation, or useless expenditure connected with the School Department, that may come to his knowledge.
- 8th. To become acquainted with all the laws, rules and regulations governing the Public Schools in the city and county; and to give advice on subjects connected with the Public Schools gratuitously, to officers, teachers, pupils, and the parents and guardians of pupils.
- 9th. To cause the instruction in the Public Schools to be applied as far as possible to the practical affairs of life, to enable pupils to earn a living, and to cultivate a respect for truth, labor and industry.

CHAPTER V.

OF THE COMMON SCHOOL FUND.

SECTION 1. The Common School Fund shall be kept in the City and County Treasury, separate and distinct from all other moneys, and shall only be used for school purposes, in the manner specified by and under the provisions of this Charter.

No fees or commissions shall be allowed or paid for assessing, collecting, keeping or disbursing any school moneys; and if at the end of any fiscal year a surplus remains in the Common School Fund, such surplus money shall be carried forward to the Common School Fund of the next fiscal year, and shall not be for any purpose whatever diverted or withdrawn from said Fund.

SEC. 2. The Common School Fund shall be used and applied for the following purposes, to wit: d a

- 1st. For the payment of all salaries or wages of Teachers, Janitors, School Census Marshals, and other persons who may be lawfully employed by said Board in said School Department.
- 2d. For supplying the schools with fuel, water, apparatus, blanks, blank books and necessary appliances, together with text books for indigent children.
- 3d. For lighting school rooms and the offices and rooms of the Board of Education and the Superintendent.
- 4th. For supplying books, printing and stationery for the use of the Board of Education and the Superintendent, and for the incidental expenses of the Department.
- 5th. For the rent of any real or personal property hired by the Board.
- 6th. For the building and repair and furnishing of school houses.
- 7th. For the discharge of all legal incumbrances existing on any school property.
- 8th. For the payment of interest accruing on school bonds, and for the redemption of the same, as far as may be realized from the rents of property belonging to the School Department.

SEC. 3. All claims payable out of the Common School Fund, shall be filed with the Secretary of the Board of Education, and after they shall have been approved by the Auditing Committee and received a vote of five members of the Board of Education, upon a call of the ayes and noes which shall be recorded, they shall be signed by the President of said Board and by the Superintendent of Public Schools, and be sent to the Auditor.

Every demand shall have indorsed upon it a certificate, signed by the Secretary, of its approval by the Board of Education, showing the date thereof, the vote thereon, and the law authorizing it, by title, date and section.

Each person in the employ of the School Department entitled to a salary therefrom, shall be granted a certificate for

the amount found due, and approved by the Board, signed by the President, Superintendent and Secretary of said Board; but the entire monthly salary roll of the Department shall be made up by the Secretary of said Board, and after being audited by the Auditing Committee thereof shall be presented at a meeting of the said Board for its approval, and if approved by a majority of all the members thereof, upon a call of the ayes and noes which shall be recorded, shall be indorsed in the same manner as other demands. The salary roll thus audited, approved and indorsed shall be immediately transmitted to the Auditor, for comparison with the individual salary certificates issued in the manner provided; but payment shall be made only on the individual certificates issued in accordance with this section.

SEC. 4. All lawful demands authorized by this Charter for school purposes shall be audited and approved in the manner hereinbefore provided, and the Auditor and Treasurer are respectively authorized to audit and pay the same when so ordered paid and approved by the Board of Education; provided, that said Board shall not have the power to contract any debt or liability in any form whatever against the city and county in contravention of this Charter; and provided further, that the allowance or approval by the Board of Education of demands not authorized by this Charter, shall be no warrant or authority to the Auditor or Treasurer to audit or pay the same; and provided further, that no demand on said Common School Fund accruing or approved in any fiscal year, shall be paid out of, or become a charge against the Common School Fund of any subsequent fiscal year.

CHAPTER VI.

OF THE BOARD OF EXAMINERS.

SECTION 1. The Board of Education may, in its discretion, appoint a Board of Examiners which shall consist of the County Superintendent of Schools and four other members, residents of the city and county, at least two of whom shall be experienced teachers, to hold office for two years. The County Superintendent shall be chairman of the Board.

SEC. 2. The Board of Examiners must meet and hold examinations for the granting of teachers' certificates semi-annually at such times as they may determine. The place of meeting shall be designated by the chairman. All meetings of the Board of Examiners shall be public, and the record of their proceedings shall be kept in the office of the Board of Education.

SEC. 3. The Board of Examiners, under the direction of the Board of Education, has power—

First.—To adopt rules and regulations not inconsistent with this Charter for its own government and for the examination of teachers.

Second.—To examine applicants and to prescribe a standard of proficiency which will entitle the person examined to a certificate, and to grant city certificates of three grades:

1st. High School certificates, valid for six years, and authorizing the holder to teach any primary, grammar or high school in the city and county.

2d. City certificates, first grade, valid for four years, and authorizing the holder to teach any primary or grammar school in the city and county.

3d. City certificates, second grade, valid for two years, and authorizing the holder to teach any primary school in the city and county.

Third.—To grant special city certificates of the first grade, valid for four years, upon such special studies as may be authorized by the Board of Education.

SEC. 4. The Board of Examiners may also, without examination, grant city certificates, and fix the grade thereof, to the holders of California life diplomas, California educational diplomas, California State Normal School diplomas and graduates of the San Francisco City Normal Class, California State University diplomas, (when recommended by the Faculty of the University) unexpired State certificates, city certificates granted in other cities of California, and the life diplomas and State Normal School diplomas of other states; and may also, without examination, renew and may also upon notice to the person charged and after investigation for immoral or unprofessional conduct, profanity, intemperance or evident unfitness for teaching, revoke any certificate previously granted in this city and county.

SEC. 5. The holders of city certificates are eligible to teach in the City and County, in schools of grades corresponding to the grades of such certificates, and when elected shall be dismissed only for violation of the rules of the Board of Education, or for incompetency, unprofessional or immoral conduct. The holders of special city certificates are eligible to teach the special studies mentioned in their certificates in all the schools for which certificates were granted.

CHAPTER VII.

OF THE SCHOOL TAX LEVY.

SECTION 1. The Board of Education shall, on or before the second Monday in April, in each year, report to the Supervisors an estimate of the amount of money which shall be required during the year for the purpose of meeting the ensuing annual expenses of Public Instruction in said city and county, and specifying the amount required for supplies to be furnished pupils, including text-books; for leasing rooms, and for furnishing and fitting up buildings, for the salaries of all persons employed in the School Department, and other expenditures necessary for the economical administration of the Public School system and authorized by law; but the aggregate amount so reported shall not exceed the sum of twenty-five dollars for each pupil in average daily attendance per year.

The average number of pupils attending the schools, during any one year, shall be ascertained by adding together the number of days' attendance of said pupils during the year, and dividing the same by the number of school days in the year ending the 31st of December immediately prior thereto.

In making the annual tax levy for city and county purposes, the Supervisors shall, as a part thereof, provide for and apportion to the Common School Fund an amount of money, which, added to the revenue derived from all other sources, shall not exceed twenty-five dollars per pupil in average daily attendance during the year, to be ascertained as above provided.

SEC. 2. No school shall receive any portion of the school moneys in which the religious doctrines or tenets of any particular Christian or other religious sect are taught or inculcated, or in which any book or books containing compositions favorable or prejudicial to the doctrine or tenets of any particular Christian or other religious sect is used; nor shall any such book or teachings be permitted in the public schools.

SEC. 3. No member of the Board of Education shall ever become the disbursing agent of said Board, or handle or pay out any of its money under or upon any pretense whatever. Any violation of these provisions shall be a misdemeanor, and shall subject the offender, besides the punishment therefor, to removal from office.

Any member or officer of the Board of Education who shall, while in office, accept any donation or gratuity in money or of any valuable thing, either directly or indirectly,

from any teacher or candidate, or applicant for position as teacher, upon any pretence whatever, shall be deemed guilty of a misdemeanor.

Any member or officer of the Board of Education, or the School Superintendent, who shall accept any money or valuable thing, or the promise thereof, with an agreement or understanding expressed or implied that any person shall in consideration thereof get the vote or influence of such member or officer for a situation as teacher, or employee of any kind, in the School Department shall be guilty of a felony.

CHAPTER VIII.

NEW SCHOOL HOUSES.

SECTION 1. Whenever a district in the city and county is unprovided with sufficient school accommodations, and whenever suitable classrooms cannot be leased or rented at a reasonable price, and whenever the number of pupils attending a school or schools sufficiently near to be consolidated in such district, shall exceed two hundred, the Board of Education may by resolution request the Board of Public Works to erect a suitable school house for said district; provided, that the plans and specifications for any new school house or building to be erected, shall be subject to the approval of the Board of Education before any contract shall be made for its construction. No real estate shall be purchased for or on account of the School Department, without first obtaining the approval of the Supervisors expressed by ordinance.

CHAPTER IX.

OF THE FREE PUBLIC LIBRARY AND READING ROOMS.

SECTION 1. The Free Public Library and Reading Rooms heretofore established by municipal taxation, and now existing in this city and county, shall be continued under its present management and Board of Trustees and their successors.

SEC. 2. The Supervisors are hereby empowered in making the annual tax levy, and as a part thereof to apportion a sum not to exceed one mill on the dollar, for the purpose of maintaining the Free Public Library and Reading Rooms, and for purchasing such books, journals and other periodicals, and for purchasing or leasing real and personal property, and erecting such buildings as may be necessary therefor.

SEC. 3. All revenue derived from said tax, together with all money or property derived by gift, devise, bequest or otherwise, for the purposes of said Library, shall belong to and be known and designated as a Library Fund, and shall be paid into the City and County Treasury, and there kept separate and apart from other funds, and be drawn therefrom as hereinafter provided, but shall only be used and applied to the purposes herein authorized; provided, that when such disposition would be inconsistent with the conditions or terms of such gift, devise or bequest, the Trustees shall make such provisions for the safety and preservation of the same as shall be proper to insure the application thereof to the use of the Free Public Library, in accordance with the terms and conditions of such gift, devise or bequest.

SEC. 4. The title to all property, real and personal, acquired, or which may be acquired by purchase, gift, devise, bequest or otherwise, for the purpose of said Free Public Library, when not inconsistent with the terms of its acquisition, shall vest, and be, and remain in said city and county, and may be protected, defended and sued for by action at law or otherwise in the name of said city and county.

SEC. 5. The position of Trustee shall be one of honorary trust, without salary or compensation, and shall continue during good behavior; but for good cause a Trustee may be removed from office, as provided by law or in this Charter.

SEC. 6. The Trustees shall take charge of the Free Public Library and Reading Rooms, and of all real and personal property thereunto belonging, or that may be acquired by loan, purchase, gift, devise, or otherwise, when not inconsistent with the terms and conditions of the gift, devise, or bequest; they shall meet for business purposes on the first Tuesday of each month, and at such other times as they may appoint, in a place to be provided for the purpose, and a majority of their number shall constitute a quorum for business. They may appoint one of their number to act as President of their Board, and may elect a Librarian. They may also elect a Secretary, who shall keep a full statement and account of all property, money, receipts and expenditures, and a record and full minutes in writing of all their proceedings. The Secretary may certify to such proceeding, or any part or portion thereof, under his hand, verified by the official seal provided and adopted by the Trustees for that purpose.

SEC. 7. Such Trustees, by a majority vote of all their members, to be recorded in the minutes with the ayes and noes at length, shall have the power:

First—To make and enforce all rules, regulations and by-laws necessary for the administration, government and pro-

tection of the Free Public Library and Reading Rooms, and all property belonging thereto, or that may be loaned, devised, bequeathed or donated to the same.

Second—To exercise and administer any trust declared or created for such Free Public Library and Reading Rooms, and to provide memorial tablets and niches to perpetuate the memory of those persons who make valuable donations thereto.

Third—To remove any Trustee who may neglect to attend the meetings of the Board of Trustees, or who may absent himself from such meetings, or, without the consent of the Board, from the State for three consecutive months; and to fill all vacancies that may from any cause occur in the Board.

Fourth—To define the powers and prescribe the duties of any and all officers; determine the number and elect all necessary subordinate officers and assistants, and at their pleasure remove any officer or assistant.

Fifth—To purchase necessary books, journals, publications and other personal property.

Sixth—To order the drawing and payment upon properly authenticated vouchers, duly certified by the President and Secretary, of money from the Library Fund, for any liability or expenditure herein authorized, and generally to do all that may be necessary to carry into effect general laws and the provisions of this Charter with reference to said Free Public Library and Reading Rooms.

Seventh—To fix the salaries of the Librarian, Secretary and assistants, and by and with the consent and approval of the Supervisors, expressed by ordinance, to erect and equip such building or buildings as may be necessary for said Free Public Library and Reading Rooms, upon any real estate purchased or appropriated therefor.

SEC. 8. The orders and demands of the Trustees of such library or reading room, when duly made and authenticated as above provided, and when audited by the Auditor, shall be paid by the Treasurer out of the Library Fund properly belonging thereto, of which full entry and record shall be kept as in other cases.

SEC. 9. The Trustees of such Free Public Library and Reading Rooms, on or before the first day of August in each year, shall make an annual Report to the Supervisors, giving the condition of their trust, with full statements of all property and money received, whence derived, how used and expended, the number of books, journals and other publications on hand, the number added by purchase, gift or otherwise, during the year, the number lost or missing, the number and character of those loaned, and such other statistics, infor-

mation, and suggestions as may be of general interest. A financial report, showing all receipts and disbursements of money, shall also be made by the Secretary of the Board of Trustees, duly verified by his oath.

SEC. 10. The Supervisors shall have power to pass ordinances for the protection of said Free Public Library and Reading Rooms, and of all property thereto belonging, and to impose penalties for the violation of such ordinances, and may also appropriate and authorize the use, either in whole or in part, of any real estate belonging to the said city and county, for the purpose of erecting and maintaining a building thereon, to be used only for such Free Public Library and Reading Rooms.

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ARTICLE VII.

Department of Public Works.

CHAPTER I.

OF THE BOARD OF PUBLIC WORKS.

SECTION 1. There is hereby established in and for the City and County a Department of Public Works, to be managed and controlled by a Board of Public Works consisting of three Commissioners, as herein set forth. The Mayor shall be ex-officio one of said Commissioner and President of said Board. The other two Commissioners shall be elected by the qualified voters of the city and county by general ticket, in the manner provided for the election of other municipal officers, and shall be known as "Commissioners of the Board of Public Works." They shall each possess the same qualifications as to eligibility as are required for the office of Mayor, and their term of office shall be four years and until their successors are elected and have qualified; *provided*, that of the two elected Commissioners, those first elected under this Charter, one of them, to be determined by lot among themselves at their first meeting, shall hold office for two years only.

SEC. 2. Each Commissioner, before entering upon the discharge of his duties shall take the Constitutional oath of office and each of the two Commissioners, as provided for in Section one of this Charter, shall enter into a bond, with two or more sufficient sureties, in the sum of ten thousand dollars, conditioned for the faithful discharge of his official duties; said bond to be approved in accordance with the provisions of this Charter.

SEC. 3. Neither of the two said Commissioners shall, during his continuance in office, hold any other office or position under the city and county, or under the government of this State, or of the United States.

SEC. 4. Immediately upon qualification, the three Commissioners shall organize as a Board, and when organized may elect a Secretary, and at its pleasure remove him. Said Board shall also establish rules and regulations governing its own proceedings, and for the regulation and conduct of its officers and employees, and may require such bonds as it may deem adequate from said officers and employees for the faithful performance of their duties. Such bonds shall be given to the city and county, and be approved as provided in this Charter. In the performance of their official duties, each Commissioner shall have authority to administer oaths and examine witnesses.

SEC. 5. The Board shall hold a regular meeting once in each week, and special meetings at such times as it may appoint. The regular meetings shall be held on a day fixed by a resolution entered upon its records, and which shall not be changed except by similar resolution, of which notice shall be published for two weeks. Every meeting of the Board shall be public. Two members shall constitute a quorum for the transaction of business and the concurrence of two shall always be necessary for the performance of any official act. No business shall be transacted at a special or adjourned meeting of said Board except such as may by resolution have been made the special order of business for such meeting, or such as may have been under consideration at the meeting from which the adjournment is had.

SEC. 6. The Board shall cause to be kept a record of its proceedings, and shall keep and preserve copies of all contracts, receipts, plans, surveys, field notes, profiles, and of all papers properly belonging to the transactions of the Board. The Board may, whenever it shall deem it expedient, and shall, whenever requested by the Supervisors, or either Board thereof, furnish to the Supervisors or either Board thereof, such data or information as they may require, and shall annually, on or before the First Monday of August, make a report to the Supervisors of all work done under its supervision, during the preceding fiscal year, together with a detailed statement of the same, and of the expenditures of the Department of Public Works; and the said Board shall annually, before the first Monday of May, furnish to the Supervisors, and also to the Auditor, a detailed estimate of the amount of money that will be required for the expenditures of the Department of Public Works during the ensuing fiscal year.

SEC. 7. The Secretary of said Board shall keep full and complete minutes of all the transactions of the Board, specifying therein the names of the Commissioners present at its meetings, and giving the ayes and noes upon all votes. No order or resolution shall be valid or have any effect until the same has been recorded at length by the Secretary in the minutes of, and also approved by, the Board, together with the ayes and noes upon the vote by which it was adopted. The minutes and proceedings of the Board shall be open to the inspection of the public. At each meeting of the Board the minutes of the previous meeting shall be read, corrected if necessary, and then approved and signed by the Chairman of the meeting at which such minutes are read, and by the Secretary. The Secretary shall cause the publication of all notices herein authorized to be published, or which the Board shall order to be published, and shall do and perform such other duties as the Board may from time to time prescribe or direct. Before entering upon the duties of his office he shall take and subscribe the constitutional oath of office and enter into a bond in such amount as the Board may fix, with two or more sufficient sureties to be approved as provided in this Charter, conditioned for the faithful discharge of his official duties. He shall prepare and keep indexes of all work ordered or recommended by said Board, and of all contracts and documents, and shall keep filed, indorsed and methodically registered and indexed all vouchers, contracts, petitions and other papers which shall come into the custody of the Board. The Board may appoint one Assistant Secretary, if necessary.

Said Board may also appoint one Assessment Clerk, one Contract Clerk, two Deputy Clerks, and two Street Inspectors.

SEC. 8. The Board shall also appoint a competent person who shall have had at least ten years active experience in the profession of civil engineering and surveying, and who shall have been a citizen of the United States and resident of the city and county for at least five years, as Civil Engineer for the Board, and may at its pleasure remove him. He shall be styled the City Engineer. Said Engineer shall perform by himself or his assistants, all the civil engineering and surveying required in the prosecution of all the public works and improvements done under the direction and supervision of the Board, and to certify to the progress and completion of the same, and to do such other surveying as he may be directed by said Board, or by the Supervisors. He shall possess the same power in the City and County in making surveys, plats and certificates as may be, from time to time, given by law to County Surveyors, and

his official acts and all plats, surveys and certificates made by him shall have the same validity and be of the same force and effect as are, or may be given by law to those of County Surveyors.

SEC. 9. The Supervisors shall, by ordinance, establish such fees and charges as may be proper for the services to be performed by the City Engineer, and as are not inconsistent with the laws of the State, and may, from time to time change and adjust the same, and said Engineer shall require such fee or charge to be paid in advance to the Secretary of the Board for any official act or service that may be demanded of him. All fees and charges so collected shall be paid daily by the Secretary into the Treasury of the city and county. The Engineer shall take the constitutional oath of office, and enter into a bond in such form and amount as the Board may require, to be approved as provided in this Charter. With the consent and approval of the Board, the City Engineer may appoint such deputies, not exceeding five as the duties of his office may require, and the said City Engineer shall be liable upon his bond, for the official misconduct or neglect of any of said deputies. The deputies so appointed, or any of them, may be removed at pleasure by the City Engineer, or by the Board. All demands for salaries and compensation for the deputies, assistants and employees for the City Engineer, shall be certified to by the President and Secretary of the Board of Public Works.

SEC. 10. The Board may also appoint a competent person who shall have had at least ten years active experience in the profession of builder and architect, and have been a citizen and resident of the city and county for at least five years, as Architect, and may at its pleasure remove him. He shall be styled the City Architect. It shall be his duty, under the direction and control of said Board, to draw plans and specifications of the work to be done; to make necessary drawings for the same; to judge of and determine the quality and durability of the materials that may be furnished for the construction of any public building, and approve of or reject the same, and to take special care that all work be done in a good substantial and workmanlike manner, and in accordance with the drawings, plans, and specifications.

SEC. 11. The Board may also appoint a Superintendent of Public Works who shall be a master builder, and shall have had at least ten years active experience as such, and have been at least five years a citizen and resident of San Francisco, and may remove him at its pleasure.

He shall, when any public building is in the course of construction, or when any materials to be used in its con-

struction are being furnished, be in attendance at said building and see that the work is done in a good, substantial, and workmanlike manner, and that the material used or furnished is of the description, quality and quantity called for by the specifications and contract. All work upon public buildings under the control of said Board shall be done under the immediate supervision of said Superintendent, and all material used in the construction thereof shall be furnished under his immediate supervision. He shall also perform such other duties as shall be required of him by said Board of Public Works. The said Architect and Superintendent shall each take and subscribe the constitutional oath of office, and shall each give a bond with two good and sufficient sureties in such amount as the Board may require to be approved as provided in this Charter, conditioned for the faithful discharge of their respective duties. They shall each devote their whole time to the duties of their respective offices, and shall not be engaged in any other business or receive any salary or compensation for any other services.

SEC. 12. The Board shall take possession of, and have the custody and control of all the maps, surveys, field notes, records, plans, specifications, contracts, models, machinery, tools, appliances, contract rights, privileges, books, documents, papers, archives, and property belonging to the city and county heretofore kept by or in the office of the city and county Surveyor, or kept by or in the office of the Superintendent of Public Streets, Highways and Squares, or kept by or in the office of the Board of New City Hall Commissioners.

SEC. 13. The Board shall have and take the special charge, superintendence and control, subject to such ordinances as the Supervisors may from time to time adopt, of all streets, highways, roads, bridges, public places and public grounds and parks, (except such parks and places and grounds as are entrusted to the management of the Park Commissioners), belonging to the said city and county, or dedicated to public use, and of the improvement and repairs thereof; of all sewers, drains and cesspools, and the works pertaining thereto, or to the drainage of said city and county; of the cleaning of the streets, and of all repairs upon accepted streets; of all the public buildings belonging to the said city and county; of the construction of all public buildings, and the making of all public improvements for said city and county, or under its authority, and of the repairs to such buildings or improvements; of the erection and construction of all engine houses and school houses that may be authorized by the

Supervisors, and of the repairs to the engine houses and school houses of the city and county; of the construction and erection of all hospitals, alms houses, jails, houses of correction or of detention, that may be from time to time authorized by the Supervisors; of all lamps and lights for the lighting of the streets, parks, public places and public buildings of said city and county, and of the erection and repair of all lamp posts for such lights and lamps; and of all the public works and improvements hereafter to be commenced by said city and county; and the said Board, and the members thereof, shall perform all the duties by this Charter prescribed for them, and such other duties relating to the matters so prescribed as the Supervisors may by ordinance direct, and all public work and improvements of the said city and county, except upon the parks and places intrusted to the management of the Park Commissioners, must be done by or under the supervision and control, and to the satisfaction and acceptance of the said Board of Public Works; *provided*, that all work done for or on behalf of any department of the city government, by the Board of Public Works, shall be charged to the respective Specific Funds, as provided elsewhere in this Charter.

SEC. 14. All applications for establishing or changing the grade of any street or streets, the improvement of public grounds or buildings belonging to the city and county, the opening, closing, straightening or widening any street, road or highway, or the laying out and opening of any new street through public or private property, and all public improvements which involve the necessity of taking private property or land for public uses, or where any part of the cost or expense thereof is to be assessed upon private property, shall be made to the Board of Public Works, and shall not be ordered or authorized until after the Board shall have reported to the Supervisors upon said application.

SEC. 15. The said Board, when authorized by the Supervisors, shall have authority to prescribe rules and grant permits, in conformity with the ordinances for the moving of buildings through the streets, and the building or placing of cellars and vaults under the streets or sidewalks, the construction of steps or other approaches to buildings upon the sidewalks, and of railings and fences enclosing areas upon the sidewalks; the laying down and construction of railroad tracks in the streets; the erection of telegraph poles and the construction of drains and sewers; the laying down or taking up of gas and water pipes, and sewers and drains, and to determine the location thereof; the using of the street or any portion thereof for the deposit of building material in front of a building during its

erection or repair, or the use of the streets, or any portion thereof, for any purpose other than such as ordinarily and properly belongs to the public from the dedication thereof to public uses; and without such permission, in writing from said Board, no person shall do any of the acts in this section enumerated. Said Board shall also have full power to regulate and control, subject to the ordinances of the city and county, the manner of using the streets, sidewalks and public places of the city and county, and the removal of all obstructions therefrom; and to cause the prompt repair of the streets, sidewalks and public places when the same may be taken up or altered. And the said Board is hereby authorized to collect, by suit or otherwise, in the name of the City and County, the expense of such repairs from the person or persons by whom such street or sidewalk was injured or torn up.

CHAPTER II.

ON THE IMPROVEMENT OF STREETS.

SECTION 1. The cost and expense of all work or improvement done upon the streets under the order of the Supervisors shall be borne and paid for as follows, viz.:

First—The city and county shall pay out of the Street Department Fund, the cost and expense—

1. Of all work done on streets, crossings and intersections of streets that have been or may be accepted by the city and county, after the acceptance of the same, and of all urgent repairs that may be made upon the public streets and highways, as hereinafter provided.

2. Of all work that may be assessed to property belonging to or in the possession of the city and county, or any Department thereof.

Second—The cost and expense of all work done on that portion of the streets constituting or lying along the water front of the city and county, or bounded by said water front, shall be borne and paid by the Board of State Harbor Commissioners.

Third—The cost and expense of all sewers, cesspools, manholes, culverts and drains, and of all grading, planking, macadamizing, paving, piling and capping any street, or portion thereof, and curbs thereon, when such work or any portion thereof, shall be done for the first time, upon any street, or portion of street, or such portion of said cost and expense as the Supervisors shall by ordinance deem to be just, shall be assessed upon the lands within the

block or blocks adjacent thereto; *provided*, that whenever any street or portion of a street, not less than one block, or any entire crossing, shall have been paved with stone throughout the entire width of the roadway thereof, and curbs of stone and sidewalks shall have been constructed thereon, and shall have a brick sewer or ironstone pipe, or cement pipe constructed or placed therein under such regulations as may have been adopted by the Board, the same shall be accepted by the Supervisors upon the recommendation of the Board, and thereafter shall be kept open and improved, except sidewalks. at the expense of the city and county; *and provided, further*, that no assessment shall be levied upon any property, which, together with all assessments for street improvements that may have been levied upon the same property during the next preceding year, will amount to a sum greater than twenty-five per cent. of the value at which the said property was assessed upon the last preceding assessment roll of said city and county.

Fourth—All sidewalks shall be constructed and all repairs to sidewalks shall be made and paid for by assessment as provided in this Charter with respect to improving and repairing unaccepted streets. The Supervisors shall never accept any sidewalk, or incur any liability against the city and county for the construction and repair of any sidewalk, except in front of or with respect to public property.

SEC. 2. Whenever an application shall be made to the Board of Public Works for any work or improvement, the cost and expense of which or any part thereof, is to be assessed upon private property, the said Board shall proceed to investigate the same, and if it shall determine that such improvement is expedient, it shall so report to the Supervisors, accompanied with specifications thereof and an estimate of the cost and expense thereof, and the Supervisors shall not order any such improvement until the same has been recommended by the Board. If an application is made for any work or improvement of which the cost and expense is to be paid by the city and county, and the said Board shall not approve of such application, it shall report to the Supervisors its reasons for such disapproval, and the Supervisors may then, after having obtained from said Board an estimate of the cost and expense of said work or improvement, by an ordinance passed by a vote of three-fourths of each Board, order the doing of said work, or the making of said public improvement. The Board may also, except as hereinafter prohibited, recommend any improvement, the cost and expense of which is to be paid by the

city and county, though no application may have been made therefor, and make, with said recommendation, an estimate of the expense, to the Supervisors, and in such case the Supervisors may order the same to be done. The Supervisors shall not order any improvement upon a street, the cost or expense of which, or any part thereof, is to be assessed upon private property until after an application therefor has been made to the Board of Public Works.

SEC. 3. Before recommending to the Supervisors the ordering of any work or improvement, the cost and expense of which, or any part thereof, is to be assessed upon private property, the said Board shall pass a resolution of its intention to recommend the same, specifying the work to be recommended and giving an estimate of its cost and expense, and describing the district or territory within whose boundaries the property is to be assessed, and affected or benefitted, and shall fix a day when it will take final action upon such resolution; *provided*, that the said Board shall not pass any resolution of intention to recommend any improvement which shall extend over more than one block in length or one crossing, and no assessment for any improvement shall be made upon property outside of the block to which the work of the said improvement is adjacent, except that in case of crossings the assessment may be upon property within the four blocks adjacent to the crossing upon which the work was done; *and provided, further*, that said Board shall not have power to recommend that any street, or portion of a street, be graded in the first instance, unless a petition shall have been presented to said Board verified by the owners of a majority of the frontage of the land fronting on said street, or their agents, stating that they are such owners and in possession thereof, and asking that said street, or portion thereof, be graded, *except*, that when a street has been graded to the official grade for one or more blocks in length upon each side of a block, the Board may recommend that such street be graded without any petition therefor *and except also*, that when a street or portion thereof has been graded to the official grade to a point not more than two blocks in distance from the water front of said city and county, the Board may recommend that such intervening distance be graded, without any petition therefor.

SEC. 4. Upon the passage of such resolution, and within ten days thereafter, the Secretary of said Board shall without any further authority, cause a copy of said resolution to be published for a period of ten days (Sundays and non-judicial days excepted). At any time within said period of ten days the owner or any person

interested in any lot within said district may file with the Secretary of said Board his objection to the recommendation or ordering of said work or improvement, stating briefly the grounds of his objections, and if at any time within said period of ten days the owners of a majority of the frontage of the lands fronting on the street where said improvement is proposed shall file written objections to said improvement, the Board shall not recommend the ordering of said work or improvement, and shall not within six months thereafter pass any resolution of its intention to recommend the same, unless prior thereto, it shall receive a petition therefor signed by the owners of a majority of the frontage of the lands fronting upon said street. Upon the day fixed in its resolution of intention for final action thereon, or at its next regular meeting, the Board shall consider and pass upon the said objections. If the Board shall consider that the objections are sufficient it shall adopt a resolution to that effect, and shall not recommend the ordering of said work or improvement. If it shall consider that the said objections are not sufficient, or if no objections are filed, the Board may recommend the ordering of said work or improvement, and shall with its recommendation, transmit to the Supervisors all objections to such recommendation that may have been filed.

SEC. 5. At the next regular meeting after receiving from the Board of Public Works its recommendation of such work, or at such time within thirty days thereafter to which the hearing thereof by either Board may be postponed, the Supervisors shall take action upon such recommendation, and if any objections to the ordering of said work have been transmitted with said recommendation, they shall consider and dispose of said objections before passing upon said recommendation. If either Board shall consider the objections, or any of them sufficient, it shall so declare by resolution, and the Supervisors shall not order the said work or improvement. If the Supervisors shall consider that the objections are insufficient they shall so declare by resolution, and thereafter, or if no objections have been filed with the Board of Public Works, they may within thirty days pass an ordinance directing that the said work or improvement be done; and they shall specify in the said ordinance what amount of the cost and expense thereof shall be assessed upon the property to be affected thereby, and also the district upon which the said amount shall be assessed.

SEC. 6. Upon the passage of said ordinance the Clerk of the Supervisors shall transmit a certified copy thereof to the Board of Public Works, and the said Board shall thereafter proceed to make an assessment of the amount specified

in said ordinance upon the lots and lands within the said district or territory—each lot being described sufficiently for identification and being separately assessed for its proportion of said amount, in proportion to the benefit received by it from the said work or improvement—and shall make and attach to said assessment a map or diagram of the district or territory, showing the several lots assessed and their relative location. Each of the said lots shall be numbered upon the map, and a corresponding number shall be given to the description of the lots, and the amount of each assessment placed opposite thereto. After making said assessment the said Board shall cause a notice thereof to be published for five days, and to be delivered to an occupant of each of the lots assessed ; (if any of said lots are unoccupied, said notice shall be posted in a conspicuous place upon said lot or lots,) which notice shall state the day and hour when the said Board will, at its office, take final action upon said assessment; and in all cases a copy of the said notice shall be sent by mail addressed to the person in whose name the lot to be assessed stands upon the books of the Assessor, at the Post Office at San Francisco; but if such lot stand in the name of “unknown owners” no such notice need be sent.

SEC. 7. At any time prior to the time fixed in the said notice, any person interested may present in writing and file with the said Board his objections to the said assessment, stating briefly wherein he deems the same erroneous. At the time specified in said notice, or at some day to which the hearing shall then be adjourned, the Board shall consider the said objections, and if it shall deem them well taken, it shall again assess the said amount upon the said lots and lands as it shall deem to be in proportion to the benefits received from said work or improvement, and shall again cause a notice of its assessment to be published and delivered, or posted, as is required in making an assessment in the first instance, and the same proceedings may be taken until the said Board shall finally determine that the said assessment is just and correct. Upon such determination the said assessment shall be signed by the President and Secretary of said Board, and shall be final and conclusive as to all persons who have made no objections thereto.

SEC. 8. If any objections to the said assessment have been filed with said Board, the Secretary shall within five days after the same has been finally approved by the Board, transmit the said assessment and map with said objections to the Board of Aldermen, and the Board of Aldermen shall at its next regular meeting, not less than ten days from the receipt thereof, consider and determine the sufficiency of the

said objections. If it shall determine that the said objections are well taken, it shall direct the Board of Public Works to modify or change the said assessment in the particulars wherein it is erroneous, and thereupon the same proceedings shall be had in making the assessment as in the first instance. If the Board of Aldermen shall determine that the objections to the assessment are not well taken, the Clerk of said Board shall certify such determination upon the said assessment, and return the said assessment so certified to the Board of Public Works, and thereupon the said assessment shall become final and conclusive. Whenever the said assessment shall become final and conclusive, it, together with the map of the lots assessed, shall be recorded in a Book of Assessments, to be kept in the office of the Board of Public Works, for that purpose, and the record thereof shall thereupon be signed by the President and Secretary of said Board, and thereafter the assessment shall be a lien upon the respective lots assessed, until the same is canceled or discharged as herein provided.

SEC. 9. In making said assessment the Commissioners shall act as a Board, and the assessment shall be authenticated by the signatures of at least two of said Commissioners as "Commissioners of the Board of Public Works;" and every assessment so authenticated and recorded in the Book of Assessments shall be *prima facie* evidence of the correctness and regularity of all the proceedings of said Board and of the Supervisors prior to the date of such record.

SEC. 10. Upon the recording of the said assessment the President and Secretary of the Board of Public Works shall sign a warrant for its collection, and thereupon the said assessment and map, with the warrant attached thereto, shall be delivered to the Tax Collector for collection, and the said Tax Collector shall immediately give notice thereof by publication for thirty days. Said notice shall set forth in general terms the locality and character of the work or improvement for which the assessment is made, and shall notify all persons interested that a warrant for its collection has been given to said Tax Collector, and that unless payment is made within sixty days from the first publication of said notice, the property so assessed will be sold to satisfy the said assessment.

SEC. 11. Whenever any assessment upon any of the lots delineated on said map shall be paid, the Tax Collector shall write the word "Paid," together with the date of payment, opposite the number of said lot, upon said assessment, and shall give to the person paying the same a receipt there-

for, showing upon which lot the said payment was made, and upon presentation of the said receipt to the Secretary of the Board of Public Works, he shall cancel the assessment against the said lot upon the record thereof. After the expiration of sixty days from the first publication of said notice, the Tax Collector shall make a report in writing to the Board of Public Works, of all lots or parcels of land in the said assessment on which the amounts assessed have not been paid, accompanied by his oath that the same is correct, and that no portion of the assessment therein named has been paid, and that he has given the notice, required by the preceding section, that the warrant for the collection of said assessment had been received by him and requiring payment of said assessment. Thereupon the Board of Public Works shall, by a resolution, direct the said Tax Collector to sell the said lots for the amount of said delinquent assessments. The report of the Tax Collector, verified as aforesaid, shall be *prima facie* evidence of the correctness of all the proceedings taken by him prior thereto.

SEC. 12. Upon the passage of said resolution by the Board of Public Works, the assessment therein named shall be deemed to be delinquent, and thereupon the Tax Collector shall, after having published a notice for ten days, sell the lands upon which the said assessments are delinquent, and in making such sales shall be governed, so far as the same may be applicable, by the General Revenue Laws of the State, providing for the sale of lands for delinquent taxes. He shall add to the amount of each assessment its aliquot part of the cost of advertising said sale, and also the sum of one dollar for the certificate of sale to be issued by him. After making said sales the Tax Collector shall return the assessment and warrant with a report of his doings indorsed thereon, to the office of the Board of Public Works, and the Secretary of said Board shall note in the record of said Assessment, and opposite to the number of each lot sold, the fact of its sale by the Tax Collector, together with the date of sale and name of the purchaser.

SEC. 13. The General Revenue Laws of the State in force at the time of said sale in reference to the sale of property for delinquent taxes, the execution of certificates of sale and deeds therefor, the force and effect of such sales and deeds, and all other provisions of said laws, in relation to the enforcement and collection of taxes and redemption from tax sales, except as herein otherwise provided, shall be applicable to the proceedings for the sale of lands for such delinquent assessments.

SEC. 14. Each assessment delivered to the Tax Collector shall be numbered, and the moneys received by him upon such assessment, shall be paid to the Treasurer who shall place the same to the credit of a special fund designated in accordance with the number of said assessment as "Special Assessment Fund No. —" and upon the payment of the entire amount of any such special assessment, the Tax Collector shall so report to the Board of Public Works.

SEC. 15. Upon the receipt by the Board of Public Works of a report from the Tax Collector that the whole amount of any special assessment for any street improvement has been collected and paid into the Treasury, the Board of Public Works shall cause the said improvement to be made, and a contract therefor shall be entered into in the manner herein provided.

SEC. 16. Before entering into any contract for said improvement the said Board shall cause a notice to be conspicuously posted in its office, and also to be published for ten days, inviting sealed proposals for doing the work of said improvement according to the specifications reported with its recommendation, and stating the time within which the said work is to be performed, and the amount of the bond to be given by the contractor for the faithful performance of the contract, and the day and hour when the Board will receive and open proposals therefor. All proposals shall be presented in said Board in open session, and shall be made upon printed forms to be prepared by the Board, and furnished gratuitously upon application, with a form for the affidavit hereinafter provided for, printed thereon. Each bid shall have the affidavit of the bidder thereon, duly verified by his oath, that such bid is genuine, and not collusive or sham; that he has not colluded, conspired, connived or agreed, directly or indirectly, with any other bidder or person to put in a bid, or that such other person shall refrain from bidding, or has in any manner sought by collusion to secure any advantage against the city and county, or any person interested in said improvement, for himself or any other person whomsoever. Making a false affidavit to a bid shall constitute the crime of perjury. Every bidder shall file with his bid a certificate of deposit or certified check on some solvent bank in the city and county, for such sum as the Board in its advertisement, or by general resolution, shall prescribe, payable to the order of the Secretary of said Board, which sum shall be forfeited to the city and county, and drawn by the Secretary and paid into the Treasury, if the bidder for any reason fail or refuse to comply with and make good his bid, in case the contract is awarded to

him, by entering into and perfecting the same. Any bid without such certificate or check shall not be considered. All bids shall be clearly and distinctly written, without any erasure or interlineations, and if any bid shall have an erasure or interlineation it shall not be received or considered by the Board. Any contract made in violation of any of the foregoing provisions shall be void.

SEC. 17. At the time named in the advertisement the Board shall assemble and remain in session for at least one hour, and all bids shall be delivered to the Board while it is in session, and within the hour named in the advertisement. No bids not so delivered to the Board shall be considered. Each bid as it shall be received shall be numbered and marked "Filed" by the President and authenticated by his signature. At the expiration of the hour stated in the advertisement within which the bids shall be received the Board shall open the bids in the presence of the bidders present, and an abstract of each bid shall be recorded in the minutes of the Board by the Secretary. Before adjourning the Board shall compare the bids with the record made by the Secretary. An abstract of said bids, showing the name of each bidder, the price at which work, labor or material is offered by each, and such other things as may be necessary to show or explain the offer, shall thereupon be made by the Secretary and certified to the Supervisors. Said bids shall remain in the office of the Secretary, and be open to the inspection of the public.

SEC. 18. At the next regular meeting of the Supervisors after the expiration of five days from receiving the said abstract of the bids, the said Supervisors shall consider the several bids and shall by resolution award the contract for doing the work of said improvement, for which proposals were invited, to the lowest bidder; *provided*, that the said Supervisors shall have the right to reject any and all bids when in their judgment the public interests will be thereby promoted, and may also reject the bid of any party who has been delinquent or unfaithful in any former contract with said city and county; and if all such bids be rejected the Secretary of the Board of Public Works shall thereupon, unless ordered not to do so by the Supervisors, again cause notice for bids to be advertised and posted as in the first instance.

SEC. 19. Upon the passage of said resolution of award the Clerk of the Supervisors shall certify to the Board of Public Works a copy of the said resolution, and the Secretary of said Board shall thereupon publish a notice of said award in the official newspaper for five days. If an assessment shall have been made for any portion of the work so

awarded, at any time within ten days after the first publication of said notice of award the owners of a majority of the lands upon which said assessment has been made, estimating said majority by the amount paid upon said assessment, may elect to do said work and enter into a contract therefor; but if they shall not so elect, or if having entered into said contract, they shall not commence said work within ten days after entering into said contract, the Board of Public Works shall enter into a contract therefor with the person to whom the said contract was awarded.

SEC. 20. All contracts shall be in writing, and shall be drawn under the supervision of the City Attorney, and shall contain detailed specifications of the work to be done, the manner in which the same shall be executed, the quality of the material, and the time in which the same shall be completed as was specified in the notice inviting proposals therefor. No change or modification in the plans or specifications shall be made after proposals for doing the work have been called for. Every contract entered into by the said Board shall be signed by the President and the Secretary of the Board, and by the other contracting party. All contracts shall be signed in triplicate, one copy of which, with the specifications of the work to be done, or the materials to be furnished, shall be filed with the Clerk of the Supervisors, and shall at all times in office hours be open to the inspection of the public; one copy thereof, with the said specifications, shall be kept in the office of the Board of Public Works, and the other copy, with the said specifications, shall be delivered to the contractor. At the same time with the execution of said contract, the said contractor shall execute to the city and county, and deliver to the Secretary of said Board, a bond in the sum named in the notice for proposals, with two or more sufficient sureties for the faithful performance of said contract to be approved by the Board of Public Works. The contract shall specify the time at which the work shall be commenced, and within which it shall be completed, and upon the recommendation of the Board of Public Works, such time may be extended by the Supervisors; but in no event shall the time for the performance of said contract be extended more than sixty days beyond the time originally fixed for its completion. In case of failure on the part of the contractor to complete his contract within the time fixed in the contract or within such extension of said time as is herein provided, his contract shall be void, and the Supervisors shall not pay or allow to him any compensation for any part of the work done by him under said contract.

SEC. 21. If at any time it shall be found that the person to whom a contract has been awarded has colluded in presenting any bid or bids, with any other party or parties, for the purpose of preventing any other bids being made, then the contract so awarded shall be void, and the said Board shall advertise for a new contract for the performance of said work. No person or firm shall be allowed to deposit or file or be interested in more than one bid for the same work. If more than one bid appear in which the same person is interested, on the opening of said bids, all such bids shall be rejected.

SEC. 22. If the person to whom the contract is awarded shall for ten days thereafter fail or neglect to enter into a contract therefor, and to commence work within ten days thereafter, the Secretary of the Board shall thereupon draw the money upon said check and pay it over to the Treasurer. If the said contractor or the property owners, after entering into the contract, fail to prosecute the same diligently or continuously, according to the judgment of the Board, or fail to complete it within the time prescribed in the contract, or within such extension of said time as may be granted, the Secretary shall, upon the direction of said Board, again advertise for bids for doing said work, as in the first instance, and the contract for doing or completing the said work shall be awarded as in the first instance, and no bid shall be received from any person who shall have failed to enter into any contract that may have been awarded to him, or to complete any contract entered into, and in case of failure on the part of property owners to complete any contract entered into by them, they shall not be allowed to enter into any other contract respecting said work.

SEC. 23. Whenever any contract has been completed to the satisfaction and acceptance of the Board of Public Works, the President of the Board shall deliver to the contractor a certificate to that effect, and shall also notify the Supervisors that said work and improvement and the contract therefor have been satisfactorily performed, and that a certificate to that effect has been given to the contractor. Thereupon the Supervisors shall, by resolution, direct the Auditor to audit and the Treasurer to pay to the contractor out of the appropriate fund, the amount to which the said contractor is entitled to under the terms of his contract.

SEC. 24. The Supervisors shall, by general ordinance, provide for making and hearing objections on the part of interested persons, to the sufficiency of the performance of any contract, or to the manner in which the work may have been performed, and for causing said work to be completed, and for delaying the payment for said work until after the

hearing and determination upon said objections. Any person owning property affected by any assessment may, at the time of filing such objections, bring an action against said contractor and his bondsmen, or any, or either of them, upon the ground that said work had not been done in accordance with the terms of said contract, and shall recover judgment against the defendant or defendants in said action for the amount of damages sustained by plaintiff if it shall be finally adjudged that the work was not done according to contract.

SEC. 25. If after the Treasurer has paid to the contractor the amount to which he is entitled under the terms of his contract, and has also paid all other costs and expenses of the said work or improvement, there shall remain to the credit of the Special Assessment Fund, out of which the said payments have been made, any surplus moneys, the Treasurer shall immediately report the amount of said remaining moneys to the Supervisors, and thereupon the Supervisors shall, by resolution, direct the Auditor to audit and the Treasurer to distribute and pay such remaining moneys, in the proportion of the original assessments, to the persons by or for whom said original assessments were paid, or their assigns or legal representatives.

If, after any payments have been made upon any assessment, the said assessment shall be declared void, or if no contract for said work and improvement shall be entered into within one year after the said assessment shall have been collected, the Supervisors shall, by resolution, direct the Auditor to audit and the Treasurer to repay the money so paid, to the persons by or for whom said payments were made, or to their assigns or legal representatives.

SEC. 26. No ordinance for the improvement of any street shall be passed by the Supervisors without extending the said improvement throughout the whole width of such street, not including the sidewalks, nor unless the width and grade of said street have been officially established; *provided*, that the grade of all intermediate or intersecting streets in one block shall be deemed to conform to the grades as established at the crossings of the main streets.

SEC. 27. No recourse shall be had against the city and county for damage to person or property suffered or sustained by, or by reason of the defective condition of any street or public highway of said city and county, whether originally existing, or occasioned by construction, excavation or embankment, or want of repair of said street or highway, and whether such damage be occasioned by accident on said street or highway or any sewer constructed therein.

SEC. 28. Wherever in this Chapter the word "street" occurs, it shall be held to include all streets, lanes, alleys, places and courts, which have been dedicated and are open to public use, whose grade and width have been officially established, and all streets, lanes, alleys, places and courts which shall hereafter be dedicated and opened to public use and accepted by said city and county.

The word "improvement" shall be held to include grading, paving, planking, macadamizing, piling, capping, and the construction of sewers, cess-pools, manholes, culverts, drains, sidewalks and curbs; *provided*, that no curbs shall be ordered except such as are constructed of stone, and that no planking or wooden sewers shall be constructed except upon the water front of the city and county.

The word "block" shall mean the blocks as known or designated as such, upon the map and books of the Assessor of the said city and county.

The word "paved" shall include any pavement of stone, iron, wood or other materials which the Supervisors may, by its ordinance, order to be used; *provided*, that no patented pavement shall be ordered during the existence of the patent therefor, until after the owner of such patent shall have transferred to the city and county, all right to the use of the same within said city and county, with the privilege to any person to manufacture and lay the same upon its streets, under any contract that may be awarded to him, or entered into by him, with said city and county.

The term "expense" shall include the price at which the contract was awarded, and all the expenses incurred in printing and advertising the work contracted for.

All notices and resolutions herein required to be published, shall be published daily, legal holidays excepted, in the official newspaper of said city and county.

All notices that are herein required to be served, whether by delivery, mailing or posting, may be so served by any male citizen of the age of twenty-one years and the affidavit thereof, shall be *prima facie* evidence of such service. The affidavit by the foreman or principal clerk of the official newspaper, of the publication of any notice herein required to be published, shall be *prima facie* evidence of such publication.

SEC. 29. In all cases where lands in said city and county shall be hereafter sub-divided and laid out into blocks or plats, sub-lots, streets and alleys, or whenever hereafter new streets or public grounds shall be laid out, opened, donated or granted to the public by any proprietor, the map or plat thereof shall be submitted to the Board of Public Works for its approval, and if the Board approve the same, such approval shall be by it indorsed upon the said map or plat,

and said map, with the said approval, shall then be filed in the office of the County Recorder, and after such filing all persons and courts shall take judicial notice of the same; and without such approval indorsed thereon no such map or plat shall be filed or recorded in the office of said Recorder, or have, any validity; nor shall any street, alley or public ground become or be a public street or be subject to any public improvement or expense without such approval, indorsement and record.

The several Courts in said City and County shall take judicial notice of all streets, highways, squares, plazas, wharves parks, and blocks in said City and County.

SEC. 30. The Board of Public Works shall, under such rules and regulations as they may adopt, annually invite proposals for cleaning such of the streets of the city and county as the said Board shall determine should be cleaned at the public expense. Before causing any notice for such proposals to be published the Board shall divide the city into such a number of sections as in its judgment, will best induce competition for bids, and secure the cleaning of the streets at the lowest cost. The Secretary of the Board shall, under its directions, on the first Monday in May of each year, cause to be published for a period of ten days, a notice inviting proposals for cleaning each of the aforesaid sections, specifying in said notice the streets of each section which are to be cleaned, the number of times per week that they are to be cleaned, and the amount of security to be given with each contract. Bids shall be made for each section separately. All the provisions of this Chapter in relation to the opening of bids, awarding of contracts, and entering into and performance of contracts for improvement of streets shall be applicable to the proceedings for entering into contracts for cleaning streets. The Board may also, with the consent of the Supervisors, expressed by ordinance, purchase a steam-roller for use on the macadamized streets of the city and county.

The Board may also, with the consent of the Supervisors, expressed by ordinance, purchase one or more machines for sweeping the streets, and may enter into a contract or contracts for sweeping the streets with said machines; and the Supervisors may, upon the request of said Board, authorize prisoners who have been sentenced to labor upon the public works, to be employed in sweeping the streets of the city and county.

SEC. 31. The Board shall cause to be made all urgent repairs upon the public streets that may from time to time be requisite for the public safety, and for that purpose may employ such laborers as may be necessary,

and at such wages as may be from time to time fixed by the Supervisors; *provided* that whenever the cost and expense of the repairs upon any street or portion of a street shall exceed the sum of one hundred dollars, exclusive of materials to be furnished from the Corporation Store Yard, the same shall be done under contract awarded in the manner provided for awarding contracts for the improvement of streets.

SEC. 32. The Board shall also from time to time, after it shall have been directed so to do by the Supervisors by ordinance, invite proposals for supplying to the city and county such materials as may be required for the repairs of the public streets or of any improvement thereof, and such proceedings shall be had in awarding the contracts therefor as are herein provided for awarding other contracts.

SEC. 33. The Supervisors shall select some place in the City and County which shall be known as the Corporation Store Yard wherein shall be kept all supplies, material, implements and machines belonging to said city and county that are to be used in repairing or cleaning the streets or any improvements thereon. The Board of Public Works may appoint, and remove at pleasure, a Store-keeper for said Corporation Store Yard. He shall give a bond in the sum of five thousand dollars for the faithful performance of his duties, to be approved as provided in this Charter, He shall have the custody of the Corporation Store Yard and of all the supplies, material and implements kept therein, and shall keep full and proper books of account in which shall be kept a systematic account of all purchases, and of the receipt of supplies and material under any contracts awarded under the provisions of the preceding section and of the delivery thereof, which books shall at all times show the amount of said material and supplies on hand and in store, and when, to whom, and for what purpose each article was delivered. He shall be responsible for all the material and supplies placed in said Store Yard, and shall not deliver any article except upon the written order or requisition of the President and Secretary of the Board, and he shall take the written receipt, indorsed upon such order, of each person to whom any delivery is made, specifying the date of such delivery and the amount and kind of materials or supplies delivered. For any deficiency in his accounts or delivery of any article without such order or requisition and receipt, he shall be liable upon his official bond. All cobble stones, or stone blocks or other material with which any street or portion of a street may have been paved or planked, shall, if at any time removed from said street, be taken to said Corporation Store Yard, and there

kept and disposed of by the Storekeeper, under the direction of the Board of Public Works, in the same manner as other supplies; and if any person shall take or appropriate to his own use any of said material he shall be guilty of grand or petit larceny, as the case may be.

CHAPTER III.

OF THE OPENING OF NEW STREETS.

SECTION 1. Whenever an application shall be made to the Board of Public Works for the straightening, widening or extending of any street, or for the opening of a new street, signed by the owners of a majority of the frontage of the lands upon the line of said street, and such improvement requires the condemnation of private property, and the Board shall by resolution determine that the improvement would be of public benefit, it shall make an estimate of the cost and expense of such improvement, and determine by resolution the district which will be affected by, and should be assessed for the cost and expenses of such improvement; *provided*, that no proceedings for opening, widening, straightening or extending any street shall be had except upon the filing of such petition, and in accordance with the provisions herein contained, nor until after the persons signing said petition shall have deposited with the Secretary of the Board an amount of money which, as may be determined by said Board, will be sufficient to defray all the costs and expenses that may be incurred in case the Supervisors shall not pass an ordinance for said improvement.

SEC. 2. If within three months after the passage of the resolution determining such district, a majority of the owners of the land within said district who shall also be the owners of two-thirds of the superficial square feet of the property described within said district, and of three-fourths in value of said property—including improvements thereon—estimating said value according to the last preceding assessment roll of said city and county, shall present to said Board a petition for said improvement, verified by their oaths, and describing the lands of which they are the owners, and showing the amount at which the same was assessed upon the last preceding assessment roll of said city and county, and stating that they are the owners and in possession of the lands named in said petition, the said Board shall pass a resolution of its intention to recommend said improvement to the Supervisors; and shall in such resolution specify a

day upon which it will hear any objections that may be made to said improvement, before passing such resolution of intention. Before passing such resolution of intention, said Board shall cause to be prepared a map or diagram of the district affected by and to be assessed for the cost and expense of said improvement, upon which shall be delineated the several lots of land upon which said assessment is to be levied, and also the lots of land which are to be taken for said improvement, and showing the name of the person to whom the said lots were assessed upon the last assessment roll of said city and county, together with the amounts of such assessments.

SEC. 3. The Secretary of said Board shall thereupon cause said resolution of intention to be published in the official newspaper, for a period of thirty days, Sundays and non-judicial days excepted, and shall also cause a copy of said resolution to be served in the manner required for the service of a summons in an action of law upon each person whose name is delineated upon said map, and also upon the owner of the property, when the name of such owner can be ascertained from the person in possession thereof, or from the records in the Recorder's office, at least ten days before the day named for hearing objections thereto.

SEC. 4. At any time before the day fixed in such resolution for hearing objections to said improvement, any person interested therein may file with the Secretary of said Board his objections thereto, briefly stating the grounds thereof; and upon the day fixed for hearing the same, or some day to which the hearing thereof shall then be postponed, said Board shall proceed to hear and shall determine the sufficiency of any objections which may have been filed.

SEC. 5. If said Board shall determine that such objections are sufficient to prevent a recommendation of the improvement, it shall pass a resolution to that effect, and no further proceedings shall be had under the said petition. If no objections have been filed, or if the Board shall determine that the objections filed are insufficient, it may pass a resolution recommending to the Supervisors the said improvement, and its recommendation shall specially report to the Supervisors whether in its opinion the land within the district specified as affected by said improvement will be benefited to the extent of the cost and expense of said improvement.

SEC. 6. If said Board shall pass a resolution recommending the said improvement, the Secretary shall forthwith transmit to the Clerk of the Supervisors a copy of the said resolution, together with the petition, map, estimate of the cost and expense of said improvement, and any objections that may have been filed, and the Supervisors shall at its first regular meeting thereafter, or at such sessions of either Board of said Supervisors to which said hearing may be adjourned, proceed to pass upon said recommendation, and may, by resolution, adopt or reject the same; *provided*, that such recommendation shall not be adopted except by a vote of nine members of each Board. If said recommendation is rejected, no further action shall be had thereon or upon said petition. If the Supervisors shall adopt said recommendation, it shall within thirty days thereafter pass an ordinance providing for the said improvement, and may in said ordinance prescribe such rules for the conduct of the Board of Public Works, respecting the assessment and valuation to be made by said Board, and providing for the condemnation of said lands, and the collection of said assessment, in addition to the rules herein prescribed, as to the said Supervisors shall seem just and expedient. Upon the passage of said ordinance, the Clerk of the Supervisors shall transmit a certified copy thereof to the Board of Public Works.

SEC. 7. Upon the receipt by said Board of Public Works of a copy of said ordinance, said Board shall cause to be made an accurate survey of the contemplated improvement, and a map thereof, upon which shall be delineated, showing its extent in feet and inches, each and every lot or parcel of land which is to be taken or appropriated for the purpose of the intended improvement, and also each and every lot or parcel of land within the district determined to be affected by, and which is to be assessed for the cost and expense of said improvement, together with the names of the persons, as owners thereof, to whom the said lots and parcels were assessed upon the last preceding assessment roll of said city and county. After the said survey and map is made, the Board shall pass a resolution designating a day on or after which it will proceed to distribute and apportion, in the form of an assessment upon the lands and lots delineated on said map, the cost and expense of said improvement.

The cost and expense of the improvement shall include the value of the land taken, and the buildings and structures thereon, and the expenses of the proceedings for its appropriation or condemnation.

The Secretary of the Board shall cause said resolution to be published in the official newspaper for a period of twenty days before the day fixed for said resolution for proceeding to make said valuation and assessment.

SEC. 8. On the day named in said notice and upon such other days as the matter may be continued to, from time to time, said Board shall proceed to value the several parcels of land necessary to be taken for the purposes of the intended improvement. The said value shall be ascertained as of the time of said inquiry, independently of any appreciation or depreciation that may be caused to the same by reason of such intended improvement, and the Board shall fix said valuation as the amount to be given to the owners thereof. The Board shall also assess the benefits and damages which may result from the contemplated improvement to the lands within said district, and shall distribute the total value of all the lands taken, together with the damages, if any, caused by said improvement to the adjacent lands, and the estimated cost and expense of said improvement, in the form of an assessment, upon each and every lot or parcel of land within the district determined to be affected by said improvement in proportion to the benefits which said Board shall determine will be received by said lots and lands.

SEC. 9. If any portion of the land taken for such improvement shall be a part of a larger lot, the Board in making the assessment shall deduct from the value of the land taken, the amount of the assessment which shall be assessed for benefits upon the remaining portion of said lot, and the owner shall be entitled to receive the difference between the value of said lot taken and the assessment for benefits upon the remaining portion of the lot.

SEC. 10. Before proceeding to make such valuation and assessment, the Commissioners of the Board of Public Works shall each take and subscribe an oath before one of the Judges of the Superior Court of said city and county, that he will, to the best of his ability and without fear or favor, perform his duties in making the proposed assessment, and that he has no interest in any of the land to be taken or assessed for the proposed improvement. The meeting of the Board, when engaged in making said assessment, shall be public and shall be held at the office of the Board, and all persons interested in any such assessment shall have the right to be present and be heard, either in person or by counsel. All persons claiming any in-

terest in the lands to be taken for said improvement or that will be damaged thereby, are required at or during such hearing to file with the Board, plats, and a description of their respective lots of land, together with an abstract of their title or interest in the same.

SEC. 11. In making said assessment and valuation the Commissioners shall act as a Board, and the said assessment and valuation shall be authenticated by the signatures of at least two of said Commissioners as "Commissioners of the Board of Public Works," and every assessment and valuation so authenticated and recorded in the Book of Assessments for Condemnation shall be *prima facie* evidence of the correctness and regularity of all the proceedings of said Board and of the Supervisors prior to the date of such record.

SEC. 12. In determining the valuation of the property that is taken for said improvement, the Board shall, in its report, state, under appropriate headings, a brief description of each parcel thereof, the amount allowed for the same, the name of the owner of each parcel, when known (and if unknown, the same shall be so stated), the name of any claimant thereto, or to any interest therein; and in making the assessment for the cost and expense of said improvement, the Board shall state in the Assessment Roll, under appropriate headings, a brief description of each lot assessed, the amount assessed against the same, the person to whom the said property was assessed upon the last preceding assessment roll of said city and county, the owner thereof, if known (and if unknown, the same shall be so stated), and the total amount of the costs and expenses of said improvement.

SEC. 13. Upon the completion of the said valuation and assessment, the Board shall cause to be published, for twenty days, in the official newspaper, a notice of the completion of said assessment and valuation, and notifying all parties interested therein to examine the same, which notice shall also be served upon all persons interested or claiming an interest therein who have filed a plat and description, as required by section ten of this chapter, in the manner required for the service of a summons in an action at law, and for the purpose of such examination said assessment, valuation and maps shall be open and exhibited to public inspection at the office of the Board for thirty days after the first publication of said notice. During said period of thirty days, the Board may alter, change or modify said assessment in any respect. Upon the expiration of said thirty days, it shall

complete the same in the form of a report and schedule, embracing the value of the lands taken and the assessment of the said value, together with the costs and expense of the improvement, as hereinbefore provided, upon the several parcels of land embraced within the aforesaid district, which report and schedule shall, within ninety days after the first publication of the last mentioned notice, be filed in the office of the County Clerk together with a petition signed by the President of said Board to the Superior Court praying for a judgment of said Court confirming the assessment contained therein against the respective lots therein described as assessed, and for the condemnation and conveyance to said city and county, upon the payment of the value thereof, as ascertained by said report, of each of the parcels of land alleged in said petition to be necessary to be taken for said improvement.

SEC. 14. On filing such petition, and upon application to the said Court, the Judge thereto shall appoint some day, not less than ten nor more than thirty days thereafter, as the time when any objections to the confirmation of said report will be heard by said Court, and the Clerk of said Court shall thereupon cause to be published for ten days, in three daily newspapers of general circulation published in said city and county, one of which shall be the official newspaper, and the others of which shall be designated in the aforesaid order of the Judge, a notice of the filing of said report and of the day assigned for the hearing of any objections that may be made thereto, and any party interested therein may at any time before the day assigned for the hearing thereof, file in said Superior Court his objections, in writing, to the confirmation of the same, specifying with particularity his objections, and all objections not so specified shall be deemed to be waived. Upon the day fixed in said order of the Judge, the said Court shall proceed to the hearing of any objections that may have been filed to the confirmation of the said report, and upon proof of the publication of said notice, said Court shall have and take jurisdiction of said report, and of the subject matter thereof, as a special proceeding, and upon the said day, and at any other time or times to which said hearing may be adjourned, may hear the allegations of the parties and proofs adduced in support of the same, and may confirm said report, or change, alter or modify the same, or cause the same to be changed, altered or modified by said Board of Public Works. Said judgment of confirmation shall be a lien upon

each parcel of land described in such report for the amount assessed against the same, and shall provide for the conveyance to said city and county of each and every of the lots of land declared necessary for the purpose of said improvement, upon the payment of the value thereof as ascertained by such judgment.

SEC. 15. Any person who may have filed objections to the confirmation of said report may appeal from said judgment to the Supreme Court at any time within thirty days after such judgment. The amount of the undertaking on such appeal shall be fixed by the Judge of the Superior Court and such undertaking shall be made payable to the City and County of San Francisco. For the purposes of such appeal the judgment roll of the proceedings in the Superior Court shall consist of the report, objections, judgment and bill of exceptions, or so much thereof as may be necessary to determine said appeal, and said appeal shall be heard by said Supreme Court on questions of law only. If said judgment be reversed or modified, the Superior Court shall take such proceedings as will cause the said assessment and valuation to be made in accordance with the opinion of the Supreme Court. The City Attorney shall act as the attorney for the Board of Public Works in proceedings under this Chapter.

SEC. 16. After the confirmation of said report, if the time for appealing has expired, or if an appeal has been taken and the judgment appealed from has been affirmed, upon the application of the Board of Public Works the Clerk of the Superior Court shall issue a certificate to that effect to said Board, and the said assessment shall then be recorded in a Book of Assessments for Condemnation kept for that purpose, and the record thereof signed by the President and Secretary of said Board; and the Secretary shall then deliver to the Tax Collector the assessment so confirmed and recorded, together with the said certificate of the County Clerk and a warrant to the Tax Collector directing him to collect the said assessment; and thereupon such proceedings shall be had in the collection of said assessment as are hereinbefore provided for the collection of assessments upon property for the improvement of streets.

SEC. 17. Upon the report of the Tax Collector to the Supervisors that the amount of said assessment has been collected and paid into the Treasury, the Supervisors shall order to be paid out of the Treasury the sums fixed in said judgment as the compensation for the lands to be taken for said improvement, and

upon the delivery to the Treasurer, by any person entitled to receive the compensation for any lot or parcel of land so taken, of a deed or conveyance of said lot or parcel of land, to the city and county, approved by the City Attorney, and a certificate from the said City Attorney that such person is entitled to the compensation for the land described in said deed, the Auditor shall audit and the Treasurer shall pay to said person the amount awarded for said lot by said judgment of condemnation.

SEC. 18. If the owner or owners of any of said lots or subdivisions neglect or refuse for the space of ten days, to make and deliver said deed or deeds, or are unable by reason of any incapacity to make a good and sufficient deed thereof to said city and county, or if the City Attorney shall certify that the title to any of said lots is in dispute or uncertain, or that there are conflicting claimants to the amount awarded as compensation therefor, or to any part thereof, a warrant upon the Treasury for the payment of the amount so awarded shall be by the order of the Supervisors drawn by the President and Secretary of the Board of Public Works, and, together with a certificate of the Treasurer indorsed thereon that the said warrant has been registered by him and that there are funds in the Treasury set apart to pay the same, be deposited with the County Clerk, and thereupon, upon a petition to the Presiding Judge of the Superior Court of said city and county setting forth said facts, by the President of the said Board of Public Works, the said Judge shall issue an order *ex parte* directing the Sheriff of said city and county to place the said Board of Public Works in the possession of the said land for the said city and county.

SEC. 19. At any time thereafter any claimant to said award, or any part thereof, may file his petition in said Superior Court against all parties in interest for an adjudication of all conflicting claims to the same, or for an order that the same be paid to him, and thereupon such proceedings shall be had thereon as may be agreeable to law and equity. Upon the entry of a final judgment in such proceeding, the County Clerk shall collect the warrant and pay the proceeds to the person or persons named in said judgment as entitled thereto. It shall be provided in said judgment that before receiving the proceeds of said warrant, said party or some one duly authorized in his or their behalf, shall make and execute to the city and county and deliver to the County Clerk a sufficient deed conveying to said city and county

the said lot of land, and by him delivered to the Clerk of the Supervisors, who shall cause the same to be recorded in the Recorder's office.

SEC. 20. Immediately after taking possession of the land required for said street, said Board of Public Works shall report the same to the Supervisors, and thereupon the Supervisors may order said street to be graded, and the same proceedings shall be had in awarding the contract and payment therefor, as are hereinbefore provided for in reference to contracts for grading other streets.

SEC. 21. If any member of said Board of Public Works shall be interested in any of the land to be taken or assessed for such improvement, it shall be the duty of the Mayor to appoint for the purpose of making the said assessment and valuation only, some competent person to act as one of the Commissioners therefor, who shall possess the same qualifications as are provided for said Commissioners, and who shall before entering upon his duties, take the oath required of said Commissioners, and enter into a bond for such amount as may be fixed by the Supervisors.

SEC. 22. The proceedings under this Chapter from the time the Clerk of the Supervisors shall have received from the Secretary of the Board of Public Works the copy of the resolution recommended by the improvement as provided in Section 6 of this Chapter, shall impart notice to all persons of the pendency thereof, and all conveyances and interests subsequent thereto shall be subject to the same.

CHAPTER IV.

OF SEWERS AND DRAINAGE.

SECTION 1. The Board shall devise a general system of drainage which shall embrace all matters relative to the thorough, systematic and effectual drainage of not only surface water and filth, but also of the soil on which said city is situated, to a sufficient depth to secure dryness in cellars and entire freedom from stagnant waters, and in such manner as best to promote the cleanliness and healthfulness of said city and county, and shall report to the Supervisors in reference thereto, and shall from time to time make to the Supervisors such recommendations upon the subject of sewerage and drainage as it may deem proper.

SEC. 2. The Board shall prescribe the location, form and material to be used in the construction, reconstruction and repairing of all public sewers, manholes, sinks, drains, cesspools, and other appurtenances belonging to the drainage system, and of every private drain or sewer emptying into a public sewer, and shall determine the places and manner of such connection.

SEC. 3. The Board shall have power to recommend rules and regulations and restrictions concerning the public and private sewers and drains in said city and county, and upon the recommendation of said Board the Supervisors are authorized to pass an ordinance establishing the same and prescribing the penalties for any violation thereof.

SEC. 4. No person shall make connection with or open or penetrate into any public sewer or drain without first obtaining a permit in writing from the Board of Public Works, and complying with the rules and regulations of the Board in reference thereto.

SEC. 5. Whenever the Board shall recommend to the Supervisors the construction of any sewer or drain it shall at the same time make and furnish with said recommendation an estimate of the cost thereof, and of the time required for constructing the same.

SEC. 6. The Board may also recommend to the Supervisors the construction of such canals, sewers, ditches, drains, embankments, reservoirs, pumping works, machinery, and other works necessary for a proper and effectual drainage of said city and county, together with plans for connecting the same with sewers and private drains already constructed or thereafter to be constructed.

SEC. 7. The Supervisors shall not authorize the construction of any sewer or drain, except upon the recommendation of said Board.

SEC. 8. The Supervisors may, by ordinance, upon the recommendation of said Board, authorize the purchase of any personal property, or the acquisition by purchase or condemnation of any real estate which may be necessary for the construction of any sewer or the making of any improvement provided for in this Chapter. The title to all real estate purchased shall be taken in the name of the city and county.

SEC. 9. The said Board may also, with the like approval of the Supervisors, agree with the owners of any real estate upon which it is deemed desirable to construct any sewer or other improve-

ment relative to sewerage or drainage, upon the amount of damage that is to be paid to such owners for the purpose of such improvement and for the perpetual use of said real estate for such purpose.

SEC. 10. Whenever, upon the recommendation of said Board, the Supervisors shall determine upon any improvement for purposes of sewerage and drainage which necessitates the acquisition or condemnation of private property, and the Board of Public Works are unable to agree with the owner or owners thereof upon the amount of compensation or damages to be paid therefor, or whenever such owner or owners are in any way disqualified or incapable of making any agreement in reference thereto, and in all cases in which said Board shall deem it most expedient, the said Board shall, upon the approval thereof of the Supervisors, expressed by ordinance, have the right to cause the said property to be condemned, and to institute proceedings for the condemnation of such property, or for the ascertainment of such damages in the manner, so far as the same is applicable, which is herein provided for the condemnation of real estate when necessary for the opening of any new street.

CHAPTER V.

OF THE NEW CITY HALL.

SECTION 1. The Board of Public Works, whenever authorized by the Supervisors, evidenced by ordinance, and when the necessary money has been provided therefor, may proceed with the construction of the buildings and improvements on said premises, known as the New City Hall, according to the plans heretofore adopted for the construction of the same.

SEC. 2. The Secretary of the Board shall keep the records of the proceedings of said Board, respecting the construction of the New City Hall, in the same books in which they have hitherto been kept; and the said records shall be kept distinct from the general records of said Board, and be open to the inspection of the public at any time during office hours. The said Secretary shall keep full and correct minutes of all the proceedings of said Board respecting the construction of said New City Hall, and shall keep an accurate account of the receipts and disbursements thereof, and shall keep an accurate account with each officer, clerk, contractor and employee for any work or material done or furnished for the construction of said New City Hall.

SEC. 3. When work is to be done upon said building, or materials to be furnished therefor, the Board shall advertise for at least thirty days in the official newspaper, and also in two other newspapers of general circulation, published in said city and county, of which one shall be published in the morning and one in the evening, for sealed proposals for doing said work or furnishing said material, or both, as it may deem best. Said advertisement shall contain a general description of the work to be done and the materials to be furnished, the time within which the same is to be done or furnished, the amount of the bond to be given as security therefor, and shall refer to plans and specifications for such other details as may be necessary to give a correct understanding regarding the work or materials, and shall also state the day, and the hour on said day, when said bids will be received and opened. The provisions contained in Chapter II of this Article, in reference to bids and proposals, and awarding and entering into contracts and giving bonds for the performance of such contracts, are hereby made applicable to all contracts to be entered into for the completion of the New City Hall.

SEC. 4. For the purpose of raising the money necessary to complete said building, the Supervisors may, at their discretion, in making the annual tax levy for city and county purposes, apportion to the New City Hall Fund an amount not to exceed ten cents on each one hundred dollars of value, as shown by the assessment roll of said city and county for the ensuing fiscal year.

SEC. 5. The money in the New City Hall Fund shall be used for the payment of claims for work, labor and materials used in the construction of said building, and the salaries and wages of the persons employed in and about the construction of said building, and in no case shall any portion of said fund be used or expended for any other purpose than that herein indicated, nor shall any part of the cost of the construction of said building be paid out of any other or different fund. All claims against the said fund shall be allowed by the Board in the same manner as other demands upon the City and County Treasury.

SEC. 6. Said Board may allow the claims of the contractors, from time to time, as work progresses or materials are furnished, but until the contract is completed such demands thereon allowed shall not exceed seventy-five per cent of the value of the labor or material furnished, which said value shall be ascertained

and determined by the certificate of the Architect and Superintendent, subject to the approval of said Board.

SEC. 7. The said Board shall, on or before the first day of August in each year, transmit to the Supervisors a statement showing the moneys expended during the preceding fiscal year, the contracts upon which the same were expended, the amount due upon unfinished contracts, and a list of the contracts awarded and unfinished, and the amount of money that will be required for each of said contracts within the current fiscal year, and the estimated amount required to complete the said New City Hall, and such other matters as will show the progress made in the construction of the said New City Hall.

SEC. 8. When the said New City Hall shall be erected and completed, the Board shall render a full and final account of its transactions.

SEC. 9. The Commissioners of the Board shall not, nor shall either of them, or the Architect, Superintendent, Engineer or Secretary, be interested, directly or indirectly, in any contract for work, labor or material, entered into by said Board; nor shall either of them be allowed to receive any gratuity or advantage from any contractor, laborer or person furnishing labor or material for the same. A violation of the provisions of this section shall be a felony.

CHAPTER VI.

OF THE PARK COMMISSIONERS.

SECTION 1. All public parks, avenues, roads, highways and places which have been hitherto under the management and control of the Park Commissioners and the Superintendent of Streets, shall continue to be and remain public parks and grounds, and shall, under such general rules and regulations as the Supervisors may by ordinance prescribe, be under the control and management of a Board of three Commissioners, who are hereby designated as Park Commissioners. Said Commissioners shall be appointed by the Mayor, and hold office for four years from the date of their appointment, and until their successors are appointed and qualified; provided, that the present Park Commissioners shall continue to hold their office until the expiration of their term of office, and provided, further, that the persons first appointed as Park Commissioners under this Charter shall, immediately upon their appointment, so classify themselves by lot that the term of office of one of said Commiss-

sioners shall expire at the expiration of two years, one at the expiration of three years, and one at the expiration of four years from the date of their appointment.

SEC. 2. Each of the Commissioners shall possess the same qualifications for eligibility as are required for the Mayor, and shall, within twenty days after the receipt of his commission, take and subscribe the constitutional oath of office. The said Commissioners shall not receive any salary or compensation for their services. Two of said Commissioners shall constitute a quorum for the transaction of business, and no money shall be expended or contract entered into authorizing the expenditure of money without the approval of two of said Commissioners.

SEC. 3. The said Park Commissioners shall have power to govern, manage and direct the said public parks and grounds; to lay out, regulate and improve the same; to pass regulations for the use and government of the same; to employ such laborers and other workmen as may be necessary from time to time, and to fix the amount of their compensation, and shall have control and disposition of the funds provided for the management and improvement of said parks and grounds. The sale or gift of intoxicating liquors shall not be permitted within the limits of any of the public parks, and a violation of this provision shall be a misdemeanor.

SEC. 4. The said Park Commissioners shall hold and exercise all rights and privileges that have been hitherto conferred upon the Park Commissioners heretofore having the control and management of said public parks and grounds, and shall have and take possession and control of all papers, maps, documents, plans, property and property rights used in connection with or appertaining to said public parks and grounds, or to the management thereof.

SEC. 5. The said Commissioners may from time to time pass such regulations as they may deem necessary for the regulation, use and government of said parks and grounds not inconsistent with the laws of the State, and may prescribe the penalties for their violation. All persons arrested for the violation of such regulations shall be tried before the Police Court. Every such regulation shall, before it takes effect, be published for ten days (legal holidays excepted) in the official newspaper. All existing regulations heretofore passed by the Park Commissioners who have had the control and management of said public parks and grounds shall continue to be of full force until repealed or modified.

SEC. 6. The Chief of Police shall, when so required by the Park Commissioners, detail as many policemen from the regular police force for said parks and grounds as said Park Commissioners may deem requisite for the purpose of enforcing their ordinances and regulations. Said policemen shall be known as the " Park Police," and shall have authority to arrest, and hold to such bail as in the regulation may be fixed as the maximum penalty for the violation thereof, or as may be prescribed by regulation by said Park Commissioners, any person who shall be found in the act of violating any ordinance or regulation of said Park Commissioners, or of the city and county. The said Commissioners may also provide a place of detention within either of said public parks in which the persons so arrested may be detained temporarily, or until said park police can deliver the person arrested to the authorities at the city prison.

SEC. 7. The Supervisors shall annually appropriate a sum not exceeding one hundred thousand dollars for the purpose of preserving and improving the said public parks and grounds.

SEC. 8. Said Commissioners shall not in any year incur any greater liability or expend any money beyond the amount provided for in Section 7 of this chapter, provided that if at the close of any fiscal year there shall be any money in the Treasury to the credit of the Park Improvement Fund, the same shall be carried to the credit of said fund at the beginning of the next fiscal year and may be expended by said Park Commissioners during said year in addition to the amount appropriated for that year.

SEC. 9. The Park Commissioners may employ one general superintendent who shall perform the duties of overseer and managing gardener. The City Engineer shall be *ex-officio* the engineer for said public parks and grounds, and shall perform such engineering work and surveying as the Commissioners may require of him, and shall make no charge for the services performed by him.

SEC. 10. The said Commissioners shall, on or before the first day of August in each year, make a full report to the Supervisors of their proceedings, and a detailed statement of all the expenditures by them during the preceding fiscal year, and of the amount of money unexpended and to the credit of the Park Improvement Fund.

SEC. 11. No money shall be paid out of the Treasury for any salary or expenditure incurred in the management or improve-

ment of said parks and grounds unless the same shall have been previously approved and allowed by at least two of said Commissioners which approval and allowance shall be indorsed upon the face of the claim or demand, and shall specify the purpose for which said expenditure is made; said claim or demand must then be presented to the Supervisors for allowance, and if allowed shall be audited and paid out of the Park Improvement Fund in the same manner as other demands on the Treasury.

SEC. 12. The said Commissioners shall not, nor shall either of them be at any time interested, either directly or indirectly, in any contract or work of any kind, in or about said parks and grounds, or in any claim or demand that may be approved or allowed by any of said Commissioners. A violation of the provisions of this section shall be a felony.

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ARTICLE VIII.

Public Institutions.

CHAPTER I.

OF THE SAN FRANCISCO LAW LIBRARY.

SECTION 1. The Supervisors are authorized and required by ordinance to provide, fit up and furnish, and provide with fuel, lights, stationery and all necessary conveniences, attendants and care, rooms convenient and accessible to the Judges and officers of the Courts, sufficient for the use and accommodation of the San Francisco Law Library established under an Act of the Legislature of this State, entitled "An Act to provide for increasing the law library of the corporation known as the San Francisco Law Library, and to secure the use of the same to the Courts held at San Francisco, the Bar, the City and County Government, and the people of the City and County of San Francisco," approved March 9th, 1870, and for the use and accommodation of those who have occasion for its use. The Supervisors are authorized and required to appropriate, allow and order paid out of the General Fund such sums as may be necessary for the purposes aforesaid, and all sums lawfully appropriated and expended pursuant hereto shall be paid out of the General Fund on demands duly audited, in the mode prescribed by this Charter for auditing other demands upon the Treasury.

CHAPTER II.

OF THE HOUSE OF CORRECTION AND INDUSTRIAL SCHOOL.

SECTION 1. The Supervisors may continue, and provide for, the House of Correction and the Industrial School, and by ordinance may, from time to time, prescribe rules and regulations for their management. Subject to such rules and regulations, these institutions shall be under the control and direction of four Commissioners, to be known as the Reformatory Commissioners, who must have the same qualifications as are required for the office of Mayor, and shall be selected from persons of different political parties, who are known to be interested in prison management and reform. They shall be appointed by the Mayor. Their term of office shall be four years, but of those first appointed two, to be designated by the Mayor, shall be appointed for only two years.

SEC. 2. The Commissioners shall take the constitutional oath of office, file the same with the Mayor, and within one month after their election shall organize as a Board, and may maintain an office. Three shall constitute a quorum, and the concurrent vote of three members shall be required for business transactions. From their number they shall elect a President, and they may also elect a Secretary, whose duty it shall be to keep a full and correct record of all their proceedings, and who shall also perform such other duties as may be prescribed by the Board or the Supervisors. The authorized expenditures of the Board shall be certified by the President and Secretary to the Supervisors, and, when allowed and audited, as in this Charter required, shall be paid by the Treasurer out of the appropriate fund.

SEC. 3. The Board shall appoint a Superintendent of the House of Correction, who shall possess the qualifications as to eligibility as are required for Mayor. He shall give a bond in the sum of ten thousand dollars, with good and sufficient sureties, to be approved as provided in this Charter, and he shall have power to appoint and remove such subordinates as said Commissioners may deem necessary, and as may be authorized by general rules and regulations of the Supervisors, and the pay of each of such subordinates shall not exceed fifty dollars per month. In all cases of removal the Superintendent shall report to the Board at its next meeting.

SEC. 4. The Superintendent shall have charge of the House of Correction; see that its affairs are conducted in accordance with the provisions of this Charter, the laws of this State, and such regulations as may be prescribed by the Board; provide that male prisoners and female prisoners

be kept separately; see that strict discipline is maintained; provide employment for the inmates, and for six days in each week keep all persons employed at such labor on the public or other works as may be authorized by their sentence, or by law, or by the regulations of the Board. The Board shall have full power to do any and all things necessary for providing employment for the persons confined in the House of Correction, for the benefit of the city and county, not inconsistent with the Constitution or the laws of the State. The Superintendent shall see that the persons so laboring shall be duly and sufficiently secured at all times while at work; keep an exact account of all hired labor, the number of days' work done, and for whom, and the amount collected or due on such work; punish disobedient or disorderly prisoners who do not faithfully perform their task, by placing them in fetters and shackles, or confining them in dark or solitary cells. A record shall be kept of such punishment, showing its cause, mode and degree, and the duration of punishment thereof, a monthly report of which shall be made to the Board, with a detailed statement of the workings of the institution. The Superintendent shall give his personal attention to the duties of his office; shall reside at the House of Correction, in rooms provided therein for that purpose, and shall never absent himself therefrom for more than six hours without the consent of the Board.

SEC. 5. The Superintendent shall have charge of the inmates and property of the House of Correction, be its treasurer, keep accounts of all its receipts and of all property of the institution, and receipt for and preserve a record of all supplies furnished to said institution, with the names of the persons furnishing the same, and the date when furnished, and the amount and character thereof, and shall not contract any debt or incur any liability against said city and county. He shall, in a suitable apartment or apartments provided therefor, keep all supplies furnished to the House of Correction, and all articles manufactured therein or produce grown on the grounds thereof, which shall be under his personal custody, and no supplies, article or product shall be removed from such apartment except by said Superintendent, and he shall at the time of such removal or withdrawal, make a record thereof in a suitable book kept for that purpose; he shall pay over to the Treasurer of said city and county, immediately, all moneys that may come into his hands as Superintendent of said House of Correction.

SEC. 6. The Superintendent shall have the power, under the direction of the Board to sell perishable property. All property not of a perishable nature shall be sold under the

direction of the Commissioners, at public auction, in such place and upon such notice as they may prescribe. The Superintendent shall execute such bill or bills of sale as may be proper upon any such sales, and shall collect the purchase price, and pay the same over, immediately, to the Treasurer of the city and county.

SEC 7. The Board shall make quarterly, to the Supervisors, a statement and estimate of all supplies necessary for said House of Correction for the quarter next ensuing, and the Supervisors may furnish all supplies necessary for said House of Correction, and all suitable material and implements sufficient to keep at work all persons committed thereto. The Superintendent shall supervise all contracts awarded, and all work done for the House of Correction; and shall see that all contracts are faithfully performed.

SEC. 8. The Board shall report annually, in the month of July, to the Supervisors, under the oath of the President and Superintendent, the condition and management of the House of Correction and of all matters and things pertaining thereto. The Superintendent, under the direction of the Commissioners, shall be the custodian of all the books, papers and records of the House of Correction, and shall at all times keep the same open to public inspection.

SEC. 9. The Superintendent shall keep a record, in which shall be noted the conduct of all prisoners who shall have behaved obediently, orderly and faithfully in the discharge of their duties; and for each month in which any prisoner appears by such record to have been obedient, orderly and faithful, three days shall, with the consent of the Board, be deducted from his sentence; and for each month that it shall appear from such records that his conduct has been positively good, and that he has rendered a prompt and cheerful obedience to the rules of the House of Correction, five days shall be deducted.

SEC. 10. All persons appearing for sentence in the Police Court or in the Superior Court for the city and county, who might be sentenced to imprisonment in the County Jail, or in the State Prison, may, instead thereof, be sentenced to imprisonment in the House of Correction; provided, that no person shall be sentenced to imprisonment in the House of Correction for a shorter or for a longer term than that for which he might be sentenced to the County Jail or to the State Prison, and in no case whatever for a shorter term than three months nor for a longer term than three years. No person who might be sentenced to imprisonment in the State Prison shall be sentenced to imprisonment in the House of Correction, if he is more than twenty-five years of

age, or if he has been once before convicted of a felony or twice before convicted of petty larceny, nor unless, in the opinion of the Court, imprisonment in the House of Correction will be more for his benefit than imprisonment in the State Prison, and equally for the interest of the public. The fact of a previous conviction may be found by the Court upon evidence introduced at or before the time of sentence.

SEC. 11. The Industrial School shall be kept for the detention, management, reformation, education and maintenance of such children under the age of eighteen years as shall be committed or surrendered thereto by the Courts of the city and county as vagrants, living an idle or dissolute life, or who shall be convicted by the Police or Superior Court of any crime or misdemeanor, or who, being tried for any crime or misdemeanor in such Courts, shall be found to be under fourteen years of age, and to have done an act which if done by a person of full age would be a crime or misdemeanor. The Police Court and the Superior Court shall have power to adjudge that such persons so convicted shall be so imprisoned or detained at the Industrial School, and the persons convicted shall remain at said school until he or she shall attain majority, unless a shorter term shall be fixed by the Court in the commitment. The Board of Reformatory Commissioners shall prescribe rules and regulations for the Industrial School; designate the employments in which the inmates shall be engaged; provide the means and the methods for instruction in the ordinary branches of a common school education; provide, at their discretion, for binding out the inmates as apprentices to learn proper trades and employments during their minority; provide at the Industrial School suitable means for instructing the inmates in some useful occupation; regulate the commitment, detention and discharge of the inmates; provide, if necessary, for the safe keeping and custody of females committed in a separate building from the males, either in a building belonging to the city, or in a suitable institution, as at present, and generally do, perform, and execute any and all acts and proceedings as shall tend to reform the persons committed to the Industrial School, and as will, upon their discharge, make them good and useful citizens.

SEC. 12. There shall be a Superintendent of the Industrial School appointed by the Board. He shall give a bond for the faithful performance of his duties in the sum of five thousand dollars, to be approved as provided in this Charter. He shall, under direction of the Board, appoint and remove subordinates, and grade the pay of the same, but the pay of no subordinate shall exceed fifty dollars per month. All cases of removal shall be reported to the Board at its

next meeting. The Superintendent shall, with regard to the Industrial School, be entrusted and charged with the same duties and exercise the same powers as far as applicable as are prescribed in this Chapter for the Superintendent of the House of Correction with regard to that institution; *provided*, that the Superintendent may appoint a head teacher at a salary not to exceed one hundred dollars per month.

SEC. 13. The Supervisors, upon requisition of the Board, duly attested by the signatures of the President and Secretary, may provide all supplies necessary for the support, maintenance and management of the Industrial School and its inmates, and all suitable and necessary materials and implements to keep at work or to give scholastic instruction to the inmates.

SEC. 14. The Board shall have power, subject to their discretion, to provide for the care and custody of wayward minor children entrusted to them by the parents or guardians of such minors; but no such minor shall be received at the Industrial School, unless upon the written recommendation of the Mayor.

SEC. 15. The salaries of the officers of the House of Correction and of the Industrial School shall be certified by the Superintendent of each institution and countersigned by the President and Secretary of the Board, and, when allowed and audited, as in this Charter required, shall be paid by the Treasurer out of the respective appropriate fund.

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ARTICLE IX.

Health Department.

CHAPTER I.

BOARD OF HEALTH.

SECTION 1. There is hereby established in and for the City and County a department, to be known as the Board of Health, to consist of six members, namely: the Mayor, ex-officio and President of the Board, the City Attorney, and four citizens to be appointed by the Mayor, possessing the same qualifications as to eligibility as are required for the office of Mayor, of whom three, and no more than three, shall be physicians and in good standing, and graduates of some regular medical college, but no salary shall attach to the office of member of the Board of Health.

SEC. 2. The appointed members of the Board shall hold office for four years and until their successors are appointed and have qualified. All vacancies shall be filled for the unexpired term only. Members of the Board shall qualify by taking the constitutional oath of office. Any appointed member failing to qualify within ten days after his appointment shall be deemed to have declined the office and a new appointment shall be made. Four members shall constitute a quorum for the transaction of business.

SEC. 3. The Board of Health shall be provided by the Supervisors with a suitable office, which shall be known as the Health Office, in which they shall hold their official meetings at least once a month, and as often as may be necessary, or when called together by the President or any three members of the Board. The meetings of the Board shall be public, and their records shall be open to any person.

SEC. 4. The Board of Health, subject to general ordinance of the Supervisors, shall have general supervision of all matters appertaining to the sanitary condition of the city and county, including the City and County Hospital, the County Jail, Almshouse, Industrial School, and all public health institutions.

SEC. 5. The Board shall, on or before the first day of May, make an annual report of the affairs of the Health Department to the Supervisors, and shall include therein the annual reports of the Health Officer and the Quarantine Officer, and of all other matters under their charge; and shall at the same time furnish to the Supervisors a detailed statement of the amount of money that will be required for the Health Department during the ensuing fiscal year, and the Supervisors may provide for the raising of such amount, or so much thereof as in their judgment may be necessary, and the money so raised shall constitute the Health Department Fund.

All expenditures of the Board shall be subject to allowance by the Supervisors and by the Auditor in the same manner as the expenditures of all other branches of the Municipal Government.

SEC. 6. The Board may appoint and remove at pleasure a Secretary, who shall be an elector of the City and County. The Secretary shall keep a correct record of the proceedings of the Board, act as Secretary to the Health Officer, keep the records and documents of the Health Office, and perform such other du-

ties as may be prescribed by said Board, or the Health Officer. The Secretary must execute an official bond in the sum of \$5,000, for the faithful performance of his duties, to be approved as provided in this Charter.

SEC. 7. The Board may appoint and remove at pleasure a Health Officer. He shall be a graduate of a regular medical college, at least thirty years of age, and a citizen and resident for three years in the City and County. He must reside within the city limits, and must execute an official bond for the faithful performance of his duties, in the sum of \$5,000, to be approved in accordance with this Charter.

SEC. 8. The Health Officer shall be the executive officer of the Board, and he shall see that the ordinances of the city and county in relation to the public health, and the rules and regulations of the Board of Health are enforced. He must make to the Board an annual report of the affairs of his office, including mortuary and other statistics, with such general observations as in his judgment might benefit the sanitary condition of the city. He shall in person visit once in each quarter all the public institutions in the City and County under the charge of the Health Department, and once in each year he shall visit every public school in said city and county. During such visits he shall examine the buildings in regard to the manner in which they are lighted, ventilated, heated, and particularly in regard to their sanitary condition. At the meeting of the Board in the months of January, April, July and October he shall report to the Board the result of his examinations.

SEC. 9. Whenever it shall be certified to the Board of Health by the Health Officer that any building or part thereof is unfit for human habitation, by reason of its being so infected with disease, or from other causes, as to be likely to cause sickness among the occupants, said Board may issue an order, and cause the same to be affixed conspicuously on the building, or part thereof, and to be personally served upon the owner, agent or lessee, if the same can be found in this State, requiring all persons therein to vacate such building for the reasons to be stated therein as aforesaid. Such building, or part thereof, shall, within ten days thereafter, be vacated, or within such shorter time, not less than twenty-four hours, as in said notice may be specified; but said Board, if it shall become satisfied that the danger from said house, or part thereof, has ceased to

exist, may revoke said order, and it shall thenceforward become inoperative.

SEC. 10. Every physician in the city and county shall report to the Health Office, in writing, every patient he shall have laboring under typhus, yellow, ship relapsing or typhoid fever, Asiatic cholera, small-pox, diphtheria or scarlatina, and report to the Health Office every death from such disease, immediately after it shall have occurred.

SEC. 11. Every householder in said city and county shall forthwith report, in writing, to the Health Office, the name of every inmate at his or her house whom he or she shall have reason to believe sick of cholera, small-pox, typhus, yellow, ship fever, diphtheria or scarlatina, and any deaths occurring at his or her house from such diseases.

SEC. 12. The Health Officer shall report to the Superintendent of the Public Schools the name and residence of every person sick of Asiatic cholera, small-pox, scarlatina, diphtheria, measles, yellow, ship, typhus or typhoid fever, or any other contagious disease, he may deem dangerous to public health.

SEC. 13. It shall be the duty of the Superintendent of the Public Schools, when so notified, of the residence of any person sick of any of the diseases enumerated in the foregoing section, to refuse admittance to the Public Schools to any member of a family, one or more of whose inmates are sick of any of the aforesaid diseases; *provided*, that the party excluded shall be re-admitted upon presenting a certificate from the Health Officer, that there is no longer any danger from contagion.

SEC. 14. No person shall drive or use any vehicle, or suffer or permit any vehicle under his or her charge or control, to be driven or used for the conveyance, transportation or removal of any person infected with the small-pox, or the body of any person who has died of the small-pox, without the written consent of the Health Officer.

SEC. 15. No person shall use or drive, or suffer or permit any vehicle authorized by the written consent of the Health Officer to convey, transport or remove persons infected with the small-pox, or the bodies of persons who may die of the small-pox, to be used or driven for the conveyance, transportation or removal of persons uninfected with small-pox, without the written consent of the Health Officer.

SEC. 16. Whenever a case of small-pox, diphtheria, scarlatina, Asiatic cholera or yellow fever is reported to the Health Officer, he shall immediately visit the premises where the person is, and the said Health Officer upon personal inspection, shall, in cases of small-pox, Asiatic cholera or yellow fever, immediately cause to be erected a yellow or Quarantine Flag, in a conspicuous place on said premises, or post upon the doorway of houses infected with such diseases a placard setting forth the fact, the same to remain during the continuance of the disease on said premises.

SEC. 17. No person shall remove a small-pox patient from any house or place within the limits of the city and county to any other house or place without the permission of the Health Officer.

SEC. 18. The Health Officer, with the approval of the Board of Health, may cause to be removed to a small-pox hospital any and all persons within the limits of the city and county affected with small-pox.

SEC. 19. Whenever a case of small-pox shall exist in any house where the person so affected shall not be moved to the Hospital, it shall be the duty of the Health Officer to immediately cause to be erected a yellow or quarantine flag in a conspicuous place on said premises, and to place a competent person in charge of said premises, whose duty it shall be to see that quarantine is strictly enforced so long as the Health Officer deems it necessary for public safety.

SEC. 20. The Police Commissioners may, upon application of the Board detail not exceeding ten of the regular police force to act as Health and Market Inspectors. The Board may appoint and remove at pleasure one messenger, and prescribe his duties.

SEC. 21. The Board may appoint a City Physician and an Assistant City Physician who shall respectively hold office during good behavior. They shall be graduates of some regular medical college. The City Physician shall visit the County Jail daily, and attend to the indigent sick in the public institutions. He shall, during certain hours of each day at his office, give personal attention and services to the work of gratuitous vaccination, selecting and preserving the vaccine virus, and perform such other duties as the Board may direct.

SEC. 22. The Assistant City Physician shall gratuitously perform all autopsies for the Coroner, examine ~~gratuitously~~ all ap-

plicants for the police force, and all policemen who from injury or disease shall apply for benefits from the "Police Life and Health Insurance Fund," and perform such other duties as the Board may prescribe.

CHAPTER II.

LAWS RELATIVE TO QUARANTINE IN THE PORT OF SAN FRANCISCO.

SECTION 1. Quarantine for the protection of the public health is hereby authorized, required and established, for the Port of San Francisco for all vessels, their crews, passengers, equipage, cargoes and other property on board the same, arriving thereat from other ports.

SEC. 2. The Board of Health, may appoint and remove at pleasure a Quarantine Officer. He must be a graduate of some medical college in good standing, and must have practiced medicine for three years, must be an elector, and must reside within the City and County. They may also appoint one Master, one Engineer, and two Boatmen. The Quarantine Officer must execute an official bond, in the sum of \$5,000.

SEC. 3. All vessels arriving off the Port of San Francisco from ports which have been legally declared infected ports, and all vessels arriving from ports where there is prevailing at the time of their departure any contagious, infectious, or pestilential disease, or on board of which during the voyage any case of such disease shall have occurred, or vessels with decaying cargoes, or which have unusually foul or offensive holds, are subject to quarantine, and must be, by the master, owner, pilot, or consignee, reported to the Quarantine Officer without delay. No such vessel must cross a right line drawn from Meiggs' Wharf to Alcatraz Island until the Quarantine Officer has boarded her and given the order required by law.

SEC. 4. The Quarantine Officer must board every vessel subject to quarantine or visitation by him, immediately on her arrival, or as soon as possible for him to do so, between the hours of sunrise and sunset, make such examination and inspection of vessel, books, papers, or cargo, or of persons on board, under oath, as he may judge expedient, and determine whether the vessel should be ordered to quarantine; and, if so, the period of quarantine, subject in each case, to the final determination of the Board of Health.

SEC. 5. He must keep in his office a book in which he must make an entry of all fees collected by him. He must

pay all fees collected to the City and County Treasurer daily.

SEC. 6. The Quarantine Officer, must enforce and perform without charge vaccination upon passengers and crew in infected ships, or ships coming from infected ports.

SEC. 7. It shall be the duty of the Quarantine Officer, when directed by the Board of Health, to immediately, upon the arrival of any ship or vessel, having on board any person or persons sick of Asiatic cholera, small-pox, yellow, typhus, or ship fever, to remove the same to such places as are now provided, or may hereafter be provided, for the treatment of contagious diseases, or to remove or cause to be removed, any sick person or persons, if any on board, to suitable hospitals, in order to cleanse and purify any vessel liable to be detained in quarantine.

SEC. 8. All the expense and charge of boarding, lodging, nursing, medicine, maintenance, and other necessaries, which shall have been provided for the diseased persons landed and sent to the hospital for the treatment of infectious diseases, as aforesaid, and also burying them in case of their death, shall be paid and discharged by the master or captain, owner or consignee of the ships or vessels respectively in which such diseased persons were respectively imported. *Provided always, nevertheless,* That when the diseased persons are passengers and not servants, the said expense and charges shall be repaid by them, their executors or administrators, to the captain or master, owner or consignee, who shall pay and satisfy, or shall be bound to pay and satisfy, the same, as aforesaid.

SEC. 9. It shall be the duty of the Quarantine Officer immediately after the arrival and examination of any ship or vessel liable to be detained at the Quarantine grounds for purification, to direct and cause such ship or vessel to be properly moored near the quarantine ground at such distance from any vessel or vessels under quarantine as may prevent the communication of any infectious disease to or from the same, and the cargo, bedding and clothing, or any part thereof, contained in such ship or vessel, to be landed, cleansed and purified, under the directions of the Quarantine Officer.

SEC. 10. And it shall be the particular duty of the said Quarantine Officer to prevent any personal intercourse between the persons on board different vessels under quarantine, and for that purpose to take possession of and secure the boats of such vessels, if necessary, from sunset to sunrise of the succeeding day, until their respective

terms of quarantine shall be completed, and to preserve and enforce order and obedience to this Article ; and if any diseased or other person, arriving in or belonging to any other ship detained at the quarantine grounds, as aforesaid, shall refuse or neglect to obey the directions of the Quarantine Officer, agreeably to this Act, and the order and regulations of the Board of Health, the person so refusing or neglecting, shall, for each and every offense, on being thereof legally convicted, forfeit and pay the sum of two hundred dollars, to be recovered from the captain, master, owner or consignees of such ship or vessel.

SEC. 11. When any vessel shall come to the wharf at San Francisco, although the said vessel may have obtained a certificate of health from the Quarantine Officer, if the said vessel shall appear to the Board of Health to be infected with any contagious disorder dangerous to the community, the said Board are hereby authorized to order the said vessel to the quarantine grounds, there to undergo the necessary purification before being permitted to return to the wharf, aforesaid.

SEC. 12. Every pilot who conducts into the port of San Francisco any vessel subject to quarantine, or examination by the Quarantine Officer, must—

1st. Bring the vessel no nearer the city than is allowed by law ;

2d. Prevent any person from leaving and any communication being made with the vessel under his charge until the Quarantine Officer has boarded her, and given the necessary orders and directions ;

3d. Be vigilant in preventing any violation of the quarantine laws, and report without delay all such violations that come to his knowledge to the Quarantine Officer ;

4th. Present the master of the vessel with a printed copy of the quarantine laws, unless he has one ;

5th. If the vessel is subject to quarantine, by reason of infection, place at the mast-head a yellow flag.

SEC. 13. Every master of a vessel subject to quarantine or visitation by the Quarantine Officer, arriving in the port of San Francisco, who refuses or neglects, either—

1st. To proceed with and anchor his vessel at the place assigned for quarantine, when legally directed so to do ; or,

2d. To submit his vessel, cargo and passengers to the Quarantine Officer, and furnish all necessary information, to enable that officer to determine what quarantine or other regulations they ought respectively to be subject ; or,

3d. To report all cases of disease and of deaths occurring on his vessel, and to comply with all the sanitary regulations of the bay and harbor;

—Is liable in the sum of five hundred dollars for every such neglect or refusal.

SEC. 14. Shipmasters bringing vessels into the harbor of San Francisco, and masters, owners or consignees, having vessels in the harbor which have on board any cases of Asiatic cholera, small-pox, yellow, typhus, or ship fever, must report the same, in writing, to the Quarantine Officer before landing any passengers, casting anchor, or coming to any wharf, or as soon thereafter as they, or either of them, become aware of the existence of either of the diseases on board of their vessels.

SEC. 15. No captain or other officer in command of any passenger-carrying vessel of more than one hundred and fifty tons burden, or of any vessel of more than one hundred and fifty tons burden having passengers on board, or of any vessel sailing under register, or any owner, consignee, agent, or other person having charge of such vessel or vessels, must, under a penalty of not less than one hundred dollars or more than one thousand dollars, land or permit to be landed, any passenger from the vessel, until he has presented his bill of health to the Quarantine Officer, and received a permit from that officer to land such passenger, except in such case as the Quarantine Officer deems it safe to give the permit before seeing the bill of health. No passenger or other person shall leave any vessel while the same is in quarantine or under the directions of the Quarantine Officer without the written permission of said Quarantine Officer; nor shall any person without such permission board or go upon such vessel while the same is in quarantine or under the directions of the Quarantine Officer. Any violation of the provisions of this or of the two preceding sections, shall be a misdemeanor.

SEC. 16. No vessel shall be put in quarantine without a stated decision of the Quarantine Officer, and the captain or the master of the vessel shall be informed immediately after his decision, and no vessel subject to quarantine shall depart therefrom without the written permit of the Quarantine Officer, and such permit shall be delivered to the Board of Health within twenty-four hours after said permit shall be received by said master; provided, that the captain or master of the vessel quarantined shall be at liberty to appeal from the Quarantine Office to the Board of Health.

SEC. 17. A vessel shall have the right, before breaking bulk, of putting to sea in preference to being quarantined; in the exercise of this right, if the vessel have not arrived at her port of destination, the bill of health shall be returned; the Quarantine Officer, however, shall mention upon said bill the length and circumstances of the detention and the condition of the vessel upon re-putting to sea.

SEC. 18. Said Board, whenever and at such time as by them it shall be deemed necessary, may, with the approval of the Supervisors, by proclamation, require all railroad cars, or other public conveyances bound for this city, before the same shall land or stop at any depot or landing or stopping place therein, or stop or touch at any or either of the sites, places or boundaries so elected and established for quarantine purposes, and leave all such emigrants, travelers or persons, and all such sick, diseased or unclean persons, with their stores and baggage, as in the opinion of the officers stationed at such quarantine sites, places or boundaries, shall be deemed proper, on account of the existence or general report of cholera, small-pox, yellow, typhus, or ship-fever, or any contagious disease, or disease apprehended to endanger the health of the city.

SEC. 19. The said Board shall make such rules and regulations for the government of the quarantine or health of the city as from time to time they shall deem necessary; and the physicians or health officers in charge of any quarantine station or place, shall have power to make and enforce such regulations as may be necessary for the proper conducting and management thereof; and it shall be the duty of all persons in quarantine, and all agents, officers, policemen, or others employed by the city in and about said quarantine stations or places, to carry out and obey the same.

CHAPTER III.

OF THE CITY AND COUNTY HOSPITAL, ALMS HOUSE, SMALLPOX HOSPITAL, AND CITY RECEIVING HOSPITAL.

SECTION 1. The Board may appoint for the City and County Hospital one Superintendent, to hold office during good behavior, and define his duties. He shall possess the same qualifications as the Health Officer. He shall give his personal attention to the duties of his office, and reside at the Hospital and not engage in any other business.

SEC. 2. They may also appoint one apothecary, an Assistant Apothecary, and one clerk whose duties they shall define. Any or all of these officers may be dismissed at the pleasure of the Board. The Visiting Physicians and Surgeons for the City and County Hospital shall be appointed by the Board of Health from among such competent persons as may be nominated by the Faculties of the regular Medical Colleges that now, or may hereafter exist. The said Visiting Physicians and Surgeons, who shall serve without pay, shall afford medical students every opportunity for acquiring clinical knowledge consistent with the health and comfort of the sick.

SEC. 3. The Board may also appoint for the City and County Hospital internes not to exceed eight, and define their duties; they shall serve without pay other than being provided with lodgings and board.

SEC. 4. The Superintendent of the City and County Hospital may appoint, subject to the approval of the Board, the following employees, and dismiss them at his pleasure:

One steward, one engineer, one matron, two dressers, fourteen nurses, one night watchman, one baker, one first cook, one second cook, two third cooks, one head laundryman, three assistant laundrymen, three waiters, one ambulance driver, one mattress maker, one carpenter, one gardener and one gatekeeper.

SEC. 5. The Board may appoint one Superintendent for the the Alms House, who shall hold office during good behavior. He shall execute a bond in the sum of five thousand dollars, to be approved in accordance with this Charter, and shall give his personal attention to the duties of his office, and shall reside at the Alms House.

SEC. 6. He shall have charge and management of the inmates, property and grounds belonging to the Alms House. All produce grown and all live stock raised upon the grounds thereof, shall be the property of the city and county and no article or product shall be removed except by said Superintendent. He shall, at the time of the removal of the same, keep a record thereof, in a suitable book kept for that purpose. All produce grown, and all live stock raised, and not needed for the use of the inmates of the Alms House, shall be sold or disposed of by the Superintendent in such a manner as directed by the Board of Health. The Superintendent shall execute such bill and bills of sale as may be proper upon any such sales,

and shall collect the purchase price therefor, and shall pay over to the Treasurer of said city and county immediately, all moneys that he may collect as Superintendent of said Alms House.

SEC. 7. The Board may also appoint one Resident Alms-house Physician, who shall be a graduate of some medical college in good standing, and define his duties.

SEC. 8. The Superintendent may appoint, subject to the approval of the Board:

One matron, one clerk, four nurses, one steward, one 1st cook, one 2d cook, two 3d cooks, one ambulace driver, two watchmen, one farmer, one teamster, one engineer, one tailor, one shoemaker, one baker, one laundryman and one carpenter.

SEC. 9. The Board may appoint one Resident Physician for the Smallpox Hospital, who must possess the same qualifications as the Health Officer, and define his duties. They shall prescribe rules and regulations for the government of the Hospital.

SEC. 10. The Board of Health may appoint from among such competent persons as may be nominated by the Faculties of the regular Medical Colleges that now or may hereafter exist, two surgeons for the City Receiving Hospital. They shall at all times afford medical students of the city and county every facility of acquiring clinical knowledge consistent with the health and comfort of the sick and injured in said Hospital. The Board may appoint to the Receiving Hospital annually two internes, who shall be under the charge of the Surgeon, and who shall serve on the same conditions as the internes of the City and County Hospital.

SEC. 11. The Receiving Hospital shall be for the reception and temporary treatment only of the sick and injured.

SEC. 12. After receiving temporary treatment the indigent must be sent to the City and County Hospital. All other persons must be removed, at their own expense, to their place of residence, or to such place as they or their friends shall designate, except in such cases as the Surgeon may deem that removal would endanger the person's life. *Provided*, that persons not indigent so treated shall be charged the usual hospital charges for the treatment of the sick, and all such charges shall be paid into the City Treasury.

CHAPTER IV.

REGISTRATION OF BIRTHS, DEATHS AND INTERMENTS.

SECTION 1. The Board shall cause to be kept a record of all births, deaths and interments occurring in said city and county. Such records must be kept in the Health Office, and shall be open for the inspection of any person during office hours.

SEC. 2. No person shall deposit in any cemetery, or inter in the City and County of San Francisco, any human body without first having obtained and filed at the Health Office a certificate signed by a physician or midwife or a coroner, setting forth as near as possible the name, age, sex, color, place of birth, occupation, date, locality, and cause of death of deceased, and obtain from the Health Officer a burial permit; nor shall any human body be removed or disinterred without the permit of the Board of Health or Health Officer, or by order of the Coroner. Physicians, when deaths occur in their practice, must give the certificate herein mentioned, unless the physician believes such death to be a proper case for the investigation of the Coroner. It shall be the duty of the Health Officer to see that the dead body of a human being is not allowed to remain in any public receiving vault for a longer period than five days. At the expiration of that time he shall require the body to be buried or be placed in a vault or niche constructed of brick, stone or iron, and hermetically sealed. It shall also be his duty to require all persons having in charge the digging of graves and burial of the dead, to see that the body of no human being, who had reached ten years of age, shall be interred in a grave less than six feet deep, or if under the age of ten years, the grave to be not less than five feet deep.

SEC. 3. Superintendents of cemeteries within the boundaries of the city and county must return to the Health Office, on each Monday, the names of all persons interred or deposited within their respective cemeteries for the preceding week.

SEC. 4. It shall be unlawful to disinter or exhume from a grave, vault, or other burial place within the limits of said city and county, the body or remains of any deceased person, unless a permit for so doing shall have been first obtained from the Board or the Health Officer; nor shall any body or remains disinterred, exhumed, or taken from any grave, vault,

or other place of burial or deposit, be transported in or through the streets or highways of said city and county, unless the person or persons transporting such body or remains shall first obtain from the Health Officer a permit, in writing, therefor. When an applicant for a permit to disinter a body shall desire to remove said body beyond the limits of said city and county, and shall so state on making application, the permit, if the same be issued, shall include the right to disinter and remove, and said permit shall accompany the body or remains.

SEC. 5. The permits in the last section provided, may be granted in the discretion of the Board of Health under such general restrictions and conditions as the Board of Health may prescribe. The Health Officer shall prepare a book of blank permits, in proper form, and consecutively numbered, containing stubs, on which, as well as in the permit, shall be entered a record of the transaction, giving the name, age, sex, nativity, date of death, place of burial, and destination of remains to be transported or removed. And upon granting each permit for the removal of a body beyond the State limits he shall require to be paid to him the sum of ten dollars therefor, to be paid into the Treasury for the use and benefit of the General Fund of said city and county.

SEC. 6. Any person or persons who shall disinter, exhume, transport or remove, or cause to be disinterred, exhumed, transported or removed from a grave, vault, or other receptacle or burial place, the remains of a deceased person, without a permit therefor from such Health Officer, or who shall transport, or cause to be transported, on or through the streets or highways of said city and county, the body or remains of a deceased person, which has been disinterred or exhumed, without such permit, shall be guilty of a misdemeanor.

SEC. 7. Nothing in this Chapter contained shall be taken to apply to the removal of the remains of a deceased person from one place of interment to another place of interment within the same cemetery.

SEC. 8. No person shall receive for transportation, or shall transport upon any boat, vessel or railroad car, or public or private conveyance, the body of any person who has died within the limits of said city and county, unless said body is accompanied by a permit for such transportation from the Health Officer; and no person shall bring into, or transport through

said city and county the dead body or remains of any person, unless it be accompanied with a certificate from some proper authority (if any such there be) of the place whence it came, stating name, age, sex, and cause of death, which certificate shall be immediately filed at the Health Office; *provided*, that in no case shall the body of any person who died of contagious disease be brought to said city and county within one year after the day of death. Any person violating any of the provisions of this section shall be guilty of a misdemeanor.

SEC. 9. The Board of Health shall have charge of all cemeteries belonging to said city and county, and may employ a Superintendent thereof.

SEC. 10. No disinterment or exhumation shall take place in any cemetery within the city and county except at the request of the relatives of the deceased.

CHAPTER V.

MISCELLANEOUS.

SECTION 1. No officer or employee of the Board of Health shall receive any compensation or perquisite of any description, either directly or indirectly, other than the salary designated in this Charter; *provided*, that this clause shall not be applicable to the members of the Board or be so construed as to prevent the physicians from the practice of their profession, when it does not interfere with their official duties. All fees collected by any officer or employee of the Board of Health shall be immediately paid by such officer or employee into the Treasury as in other cases.

SEC. 2. All moneys now in the Disinterment Fund in the Treasury shall be transferred to the General Fund.

SEC. 3. Any member of the Board of Health, Health Officer or Quarantine Officer, or Secretary of the Health Department, may administer oaths on business connected with the Health Department.

ARTICLE X.

Fire Department.

CHAPTER I.

SECTION 1. There shall be a Board of Fire Commissioners consisting of four citizens of good character and standing, and possessing the same qualifications as to eligibility as are provided for members of the Board of Aldermen. They shall be appointed by the Mayor, and the term of office of such Commissioners shall be four years from the date of their appointment; *provided*, that the Fire Commissioners now acting as such shall continue to hold their offices until the expiration of the terms for which they have been respectively elected or appointed. The persons first appointed Fire Commissioners, as provided in this Charter, shall so classify themselves by lot that one of them shall go out of office annually. Before entering upon the discharge of their duties, the Commissioners shall each take and subscribe the constitutional oath of office. If any of the persons appointed Commissioner, as herein provided, shall fail to qualify within ten days after his appointment, the office shall be vacant. No member of the Board of Fire Commissioners shall be eligible for or hold any elective office under the city and county, or State government, during the term for which he was appointed. Immediately after the appointment and qualification of the Commissioners they shall organize by selecting one of their number as President, and electing a Secretary. Said board shall meet at least once in each month, and all meetings shall be open to the public. The Board may also meet and adjourn from time to time, as the business of the department may require. No more than two of said Board shall be of the same political party. The person chosen Secretary of said Board shall, before entering upon the discharge of his duties, execute a bond, with two or more sureties, in the penal sum of twelve thousand dollars, conditioned for the faithful discharge of his duties, to be approved as provided in this Charter. Said Secretary shall give an additional bond whenever directed by the Board. Said Secretary shall attend daily, during office hours, at the office of the Board of Fire Commissioners, which may be the office of the Chief Engineer, Assistant Chief Engineer and Assistant Engineers; and shall perform the duties of Secretary to said Board and Chief Engineer, and such other duties as said Board, from time to time, may prescribe.

SEC. 2. The said Board shall keep a full and correct record of its proceedings, and shall annually, on or

before the first day of August, make to the Supervisors a full and complete report in writing of the condition of the Fire Department under its care, on the thirtieth day of June of said year, with a detailed statement of the expenditures of the Department for the preceding fiscal year, and showing the expenditures on account of each company separately stated. The said Board shall prepare and submit to the Auditor, on or before the first day in May, in each year, an estimate of the amount required to maintain the said Fire Department during the ensuing fiscal year, which estimate shall be in detail, and shall be reported by the Auditor to the Supervisors with his annual estimates. The Board of Fire Commissioners shall, on the first day of May in each year, make out and file with the Clerk of the Supervisors a list or statement of all the articles, apparatus, materials and supplies of every kind and description whatever, that will be required by the Fire Department during the next ensuing fiscal year. This list or statement shall be certified to by the President and Secretary, and shall include everything required for the Fire Department. No article whatever shall be delivered to the Department for use, or otherwise, except upon the requisition of the Board of Fire Commissioners; and the Clerk of the Corporation Yard shall not deliver any stores or supplies pertaining to said Fire Department, to any officer, member or employee, except upon an order signed by the Secretary of said Board; *provided*, that pending a conflagration, such material or apparatus as may be required for the purpose of extinguishing such conflagration, may be withdrawn from the Corporation Yard, on an order by the Chief Engineer.

SEC. 3. The said Board shall possess full power and authority over the organization, government, and discipline of said Fire Department, and shall have authority to prescribe the duties of the officers, members and employees, subject to the laws and ordinances governing the department. Said Board shall have the custody and control of the houses, engines, hose-carts, trucks, ladders, horses, telegraph lines, corporation yards, stables, and all other property and equipments belonging to the Fire Department. The Chief Engineer, the Assistant Chief Engineer, the Assistant Engineers, the Superintendent and Assistant Superintendent of Steam Fire Engines, the Secretary, and all other members and employees of the Fire Department, shall be appointed by the said Board, and retain their positions during good behavior. No officer, member, or employee of said Fire Department shall be appointed or removed for political reasons. It shall be the duty of the said Board to supervise, direct and control the officers, members

and employees of the said Fire Department, and see that they faithfully discharge their duties, and that the laws, ordinances and regulations relating to said department are carried into operation and effect, and to make all rules and regulations necessary to secure discipline and efficiency in the department; and, to enable it to enforce such rules and regulations, it shall have power to impose reasonable fines and forfeitures for a violation thereof, and for neglect of duty, or misconduct, and to enforce the collection thereof. All fines and forfeitures collected under the provisions of this section shall be paid to the City and County Treasurer, who shall keep the same in a fund to be known as the "Fund for the Relief of Disabled Firemen;" which said fund shall be under the control of the Board, which is authorized to disburse the same in the cases hereinafter set forth; all drafts upon said funds to be signed by the President and Secretary of said Board and audited by the Auditor as in other cases.

SEC. 4. Every claim against the Fire Department shall be approved by the said Board, and no claim of any character whatever which rightfully should be charged to the Fire Department Fund, shall be allowed or ordered paid by the Supervisors, or allowed by the Auditor, or paid by the Treasurer, until the same has been approved by the said Board, in open session, on a call of the ayes and noes, which approval shall be entered in the minutes of said Board. A certificate that the claim has been so approved shall be indorsed on the claim, and signed by the President and Secretary of the Board, before the same can be allowed or ordered paid by the Supervisors, or audited by the Auditor, or paid by the Treasurer. The Board of Fire Commissioners shall not approve any claim not authorized by the provisions of this Charter, nor shall said Board approve, in any one fiscal year, any claim whatever, beyond the amount appropriated and collected for the Fire Department Fund.

SEC. 5. The Board of Fire Commissioners shall determine and report to the Supervisors as to the necessity and propriety of constructing cisterns and erecting hydrants in particular localities; also, as to the necessity for new and additional apparatus and fire boats, and for material, supplies, engines, horses, hose, hook and ladders, and also as to the alterations and repairs required, and also as to material required for the efficient working of the Fire Alarm and Police Telegraph, and likewise as to the number of companies, officers, members, and employees of the Fire Department and Police Telegraph; but the action of the Board of Fire Commissioners with respect to the necessity of these matters shall only be ad-

visory to the Supervisors, and no increase in the apparatus, material, houses, companies, officers, members, or employees, or other matters shall be made, until the same shall have been authorized by the Supervisors expressed by ordinance. All contracts and work for the Fire Department shall be ordered or let by the Supervisors, and said Board of Fire Commissioners shall supervise all contracts awarded and work done for the said Fire Department and Fire Alarm and Police Telegraph, except work done under direction of the Board of Public Works, and shall see that all contracts are awarded and work done are faithfully performed.

SEC. 6. The Supervisors may, as hereinafter provided, increase or diminish the number of companies, officers, members and employees of the Fire Department. On the recommendation of the Board of Fire Commissioners for the necessity of the work, supplies or materials referred to in Section 5, of this Chapter, the Supervisors shall have power to award contracts therefor. The Supervisors may provide and furnish for the use of the Board of Fire Commissioners, a suitable room or rooms, in one of the public buildings, to serve as an office for their meetings and the transaction of business of the Department. The Secretary and Janitor shall be in attendance at such office daily during office hours. The Chief and his Assistants shall also make it their office daily during office hours, when not otherwise engaged in official duties. The Supervisors may also furnish the Chief Engineer and the Assistant Chief Engineer and the Assistant Engineers each with a horse and buggy, and provide for the keeping of the same. And the Supervisors are also authorized and empowered to establish and maintain at the corporation yard a workshop for making repairs and improvements upon apparatus for the Fire Department—such repairs and improvements to be under the supervision of the Board of Fire Commissioners. And the Supervisors may allow and order paid out of the amount herein allowed to be expended for repairs and other expenses of said Fire Department, the necessary expenses of said workshop. The Supervisors, in addition to the sums herein referred to, are authorized and empowered to appropriate and cause to be paid such sums as may be necessary to pay the salaries of the Superintendent, Operators, and Repairers of the Fire Alarm and Police Telegraph, and for the maintenance, repair and extension of the same, and to defray the cost of instruments and machinery therefor; and for such horses and vehicles as may be necessary for the use of said branch of the Department, for the repair and extension of the Fire Alarm, and Police Telegraph system, and for the cost of new instruments and machinery connected therewith.

SEC. 7. The number of the officers of the Fire Department (including the Fire Alarm and Police Telegraph), shall remain as fixed at the adoption of this Charter, until otherwise, by ordinance, directed by the Supervisors.

SEC. 8. Until otherwise provided by the Supervisors there shall be attached to the Fire Department thirteen steam fire engines, nine hose, and four hook and ladder companies. As auxiliary to the department, fire extinguishers may be purchased and employed, if in the judgment of the Board of Fire Commissioners it shall be deemed advisable. The companies of said department may be organized as follows: Each steam fire engine company may consist of one Foreman, one Engineer, one Driver, one Fireman, and eight Hosemen; one of whom shall act as Assistant Foreman, and one as Clerk. Each hook and ladder company may consist of one Foreman, one Driver, one Tillerman, and twelve Hook-and-Ladder-men; one of whom may act as Assistant Foreman, and one as Clerk. Each hose company shall consist of one Foreman, one Driver, one Steward, and six Hosemen; one of whom shall act as Assistant Foreman, and one as Clerk. The fire boat may have one Foreman, one Steward, two Captains, two Engineers, four Stokers and seven Hosemen; and may constitute one of the nine hose companies herein provided.

SEC. 9. The Board may divide the said city and county into four districts; and assign one of the Assistant Engineers to each district. Each Assistant Engineer shall reside in the district to which he has been assigned, and be immediately responsible for the condition of the apparatus and the discipline of the men in said district.

SEC. 10. The Chief Engineer shall be the executive officer of said Fire Department, and it shall be his duty, and that of the Assistant Chief Engineer and Assistant Engineers, to see that the laws, orders, rules, regulations and ordinances concerning the same are carried into effect, and also to attend to such duties as Fire Wardens as may be prescribed by the Board of Fire Commissioners, and to see that all laws, orders and regulations established in said city and county to secure protection against fire are enforced. The Chief Engineer shall enforce the rules and regulations made from time to time to secure discipline in said Fire Department. He shall have power to suspend any subordinate officer, member or employee for a violation of the same; and shall forthwith report in writing, what he has done, with his reasons therefor, to the Board of Fire Commissioners for its action. He shall diligently observe the condition of the apparatus and workings of said Depart-

ment, and shall report in writing, at least once in each week, to said Board of Fire Commissioners, upon the same, and make such recommendations and suggestions respecting it, and for securing its greater efficiency, as he may deem proper; and in the absence or inability of the Chief Engineer to act, the Assistant Chief Engineer shall assume and perform all the duties of Chief Engineer. The Chief Engineer shall have authority to appoint one member of each company to act as assistant foreman, and also one member to act as clerk.

SEC. 11. The Chief Engineer, or in his absence the Assistant Chief Engineer, or in the absence of both of these officers, either Assistant Engineer of the Fire Department, may, with the concurrence of the Mayor, cause to be cut down and removed any building, for the purpose of checking the progress of any fire.

SEC. 12. The Storekeeper of the Fire Department Corporation Yard shall, before entering upon his duties, give a bond in the sum of ten thousand dollars, with two good and sufficient sureties, to be approved as provided in this Charter, conditioned for the faithful discharge of his duties, which bond shall be filed with the City and County Auditor. Said Board may require additional bonds, whenever it shall be deemed necessary. Said Storekeeper shall receipt in duplicate for all articles placed in his charge, and immediately enter the same in a book to be kept in his office for the purpose. One of said receipts shall be filed with the Secretary of the Board of Fire Commissioners. Said Storekeeper shall take duplicate receipts for all articles delivered by him for use in the Department, and file one of said receipts with the Secretary of said Board. On the first day of each and every month, said Storekeeper shall file in the office of the Board a statement of the articles received during the preceding month; a list of the articles delivered for use in the Department during the same time, with the names of the officer and company to whom delivered; a full and complete inventory of the articles in his custody, and also a list of articles that will be required to enable him to supply the Department during the ensuing month.

SEC. 13. There may be maintained by the Supervisors in said city and county, a Fire Alarm and Police Telegraph, which shall be in charge of the Board of Fire Commissioners, who shall appoint, regulate and control the employees thereof in like manner with other employees of the Fire Department.

SEC. 14. No person shall hold more than one position under said Board of Fire Commissioners, or under said city and county, or under the State or Federal government or

draw more than one salary for services performed. In all investigations the President of the Board shall have power to issue subpennas, and the Board shall have power to compel the attendance of witnesses before it by attachment or otherwise. All subpennas issued by the President shall be served by any policeman, or any peace officer of said city and county. Any person who refuses to attend to testify, in obedience to such subpennas, shall be deemed guilty of contempt, and punished by the Board, as in cases of contempt in Justices' Courts in civil cases. Any member of the Board may administer oaths and affirmations.

SEC. 15. The Chief Engineer, Assistant Chief Engineer, the Assistant Engineers, the Superintendent and Assistant Superintendent of Steam Fire Engines, while on duty, shall be deemed public peace officers, and shall be vested with all the powers of arrest and detention, and other constabulary authority vested in police officers.

SEC. 16. The Fire Commissioners shall not, nor shall either of them, or any officer, member, or employee of the Fire Department be interested, directly or indirectly, in any contract for work, labor, or materials of any kind or description whatsoever, done or to be done, furnished or to be furnished, to the said Fire Department, and every such contract shall be void; nor shall any of them receive any gratuity or advantage from any contractor, laborer, or person performing labor for, or furnishing materials to, said Department. A violation of the provisions of this section shall be a misdemeanor.

SEC. 17. No member of said Board shall during his term of office, be a member of any convention held for political purposes, nor shall the officers, members, or employees of said Fire Department take any part whatever in any convention held for the purposes of a political party, or be a member of any political club; nor shall any member of the said Board, directly or indirectly, control or attempt to control or influence the action of any officer, member, or employee of said Fire Department, at any primary or other political election. No officer, member, or employee of the Fire Department shall levy, collect, or pay any amount of money as an assessment or contribution for political purposes. A violation of any of the provisions of this section shall be a misdemeanor. Any member of said Board violating the provisions of this section, shall by that fact forfeit his position, and the Mayor may at once proceed to fill the vacancy as in other cases. On the filing with said Board of the certificate of the record of conviction of any officer or employee of said Department under the

provisions of this section, it shall be the duty of said Board to at once dismiss said person from the Department.

SEC. 18. Whenever an officer, member or employee of the Fire Department shall become disabled by reason of injuries received at any fire, so as to be unable to perform his duties, the Supervisors, upon the unanimous recommendation of the Fire Commissioners, are hereby authorized to allow said disabled man a sum not exceeding fifty dollars per month, for not to exceed three months, payable out of the Fire Department Fund; *provided*, that if said officer, member or employee be permanently disabled, the Supervisors, upon the recommendation of the Commissioners, may continue such payment for not exceeding two years, to be paid out of the Fire Department Fund, in the same manner as salaries or wages to officers, members and employees of the Department.

SEC. 19. The Supervisors may by an ordinance passed by ten members of each Board, and approved by the Mayor, provide for having the officers and men of one or more of the engine, hose or hook and ladder companies, give their undivided time to the service; in which case, by such ordinance, the salaries of such officers and men may be advanced to such sum as the Supervisors may deem proper.

CHAPTER II.

OF THE REMOVAL OF OFFICERS AND EMPLOYEES.

SECTION 1. Any officer or employee of the Fire Department, other than the members of the Board, guilty of any legal offense, neglect of duty, violation of rules, or neglect or disobedience of orders, or incapacity, or absence without leave, or conduct injurious to the public peace or welfare, or immoral conduct, or other breach of discipline, shall be liable to be punished by reprimand, withholding pay for a specified time, or dismissal from the Department; but no more than thirty days' pay shall be forfeited or withheld for any one offense.

SEC. 2. Such officers or employees shall be subject to removal or punishment only upon trial before the Commissioners. Charges of official negligence, inefficiency, misconduct, oppression, or any cause, when presented by any officer of the Fire Department, or in a verified complaint by a citizen of said city and county, setting forth the specific acts complained of, shall be received and attentively considered and determined by the Board, giving to the accused such reasonable notice as it may prescribe, and an impartial hear-

ing in defense; and upon such hearing the accused shall have the right to be heard in person or by counsel. Upon any trial, as provided for in this section, it shall be the duty of the Board to furnish the accused with all reasonable facilities for the conduct of his defense, and to secure to him, free of charge, the attendance of all witnesses reasonably necessary for his defense.

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ARTICLE XI.

Department of Elections.

CHAPTER I.

SECTION 1. The Police and Election Commissioners shall, within ten days after their appointment, organize themselves as the Board of Election Commissioners by choosing one of their number as President. They shall elect a Secretary of the Board who shall be Supervisor of Elections in said city and county. He shall hold office during the pleasure of the Board. He shall keep the records, execute the orders, and enforce the rules and regulations of the Board, and perform such other service as the law and this Charter shall prescribe. He shall give an official bond, with two sufficient sureties, to be approved by the Mayor, in the sum of five thousand dollars, for the faithful discharge of the duties of his office. All of the clerks may, if required by the Board, act as Deputy Secretaries and Supervisors of Elections.

SEC. 2. The Board of Election Commissioners may, if they deem it necessary to perform the service, appoint not to exceed two permanent clerks. Such clerks shall perform such service as the Board shall require. The Board may in like manner, during the three months immediately preceding, and ten days after any election, employ such clerical assistance as may be necessary, not to exceed six temporary clerks in all; and for the same period, and no longer, a janitor. All Deputy Clerks to be appointed equally from both parties.

SEC. 3. The conduct and management of the registration of voters and of the holding and conducting of elections, and of all matters pertaining to holding elections, shall be vested in the Board of Election Commissioners; *provided*, that the power to order special elections to be held, to declare the purpose thereof and the time for holding the same when not fixed by law or this Charter, is

vested in the Supervisors. Said Board of Election Commissioners shall have and exercise all the powers and be charged with all the duties as to the registration of voters and holding and conducting elections, and all matters pertaining to holding and conducting elections, which are granted and prescribed by this Article, and also all those which are now or may hereafter be vested in them by ordinances and by general laws.

SEC. 4. The Secretary of the Board and *ex-officio* Supervisor of Elections, subject to the control of said Board, shall have all the powers, discharge all the duties, and be liable to all the obligations with respect to matters pertaining to holding and conducting elections, now or hereafter belonging to, or resting upon the County Clerks of other counties of this State under the general laws thereof, so far as the same are not inconsistent with the provisions of this Charter; *provided*, however, that all matters pertaining to election contests shall be conducted by such officers and in such manner as is now or may hereafter be provided by law.

SEC. 5. The Board shall, within one year after each general election, divide said city and county into election precincts, of which there shall be as many as shall be sufficient to make the number of votes polled at any one election precinct, not more than two hundred and fifty, nor less than one hundred and fifty, as near as can be ascertained and arranged, using streets and avenues as boundaries; *provided*, that no precinct shall in any case extend beyond the ward lines; *and provided*, further, that when any one block shall contain more than two hundred qualified electors, such block may constitute one precinct, and that after the city and county shall have been once divided into precincts, the boundaries of any precinct shall not be changed until the votes cast in said precinct shall exceed two hundred and fifty.

SEC. 6. All officers and persons heretofore exercising any duties in reference to the registration of voters or electors in the City and County shall upon demand transfer and deliver to the Board of Election Commissioners all registers, records, books, documents, blanks, charts and things belonging to or in any wise appertaining to the registration of voters or election matters in said city and county.

SEC. 7. The office of the Commissioners shall be kept open for business from eight o'clock, A. M., till five o'clock, P. M., every day in the year, Sundays and legal holidays excepted; and, when required by the Board to perform the service, such additional hours as may be necessary, but no extra allowance or compensation shall be made.

The Secretary, and all deputies and clerks, shall be constantly in attendance, except when absent upon official business. The Election Commissioners, the Secretary, and all deputies and clerks, as well as the members of all Precinct Boards and their clerks, and all election officers, shall have power to administer oaths and affirmations in all matters touching elections, the duties of their offices, and the registration of voters or inquiry into their qualifications.

SEC. 8. The Secretary shall constantly inform himself, by examination and inquiry, as to the condition of the precinct registers and the legality of the names thereon, or demanding to be placed thereon, and shall see that none but legal voters are registered. Should the Secretary have reason to believe that any name or names upon the precinct register is improperly or illegally there, it shall be his duty forthwith to send a written or printed notice, by postal card or letter to such person, directing the same to his address as found in the directory, or, in case his name is not in the directory, then to the address of such person as found on the Register requiring such person to show cause before the Commissioners, at a day to be named in said notice, why said Board should not cancel said name. If such person fail for five days after the day fixed for the hearing, to appear and establish the legality of such name, and on the certificate of the Secretary that notice in accordance herewith has been given, the Board shall inquire into the case, and if it appear to the satisfaction of the Board that such name is improperly upon the precinct register, then said Board shall make and enter an order directing the Secretary to cancel such name or names. But the parties may appear before said Board at the hearing and show cause against said order, and if the Board finds them properly registered, or entitled to registry, an order shall be made accordingly, which shall be final.

SEC. 9. The Secretary shall keep in his office, which shall be the office of the Board, a list of all deaths of adult males, occurring in said city and county, as well as of the deaths of such citizens as may come to his knowledge, who have died elsewhere, to be alphabetically arranged for convenience of reference. He shall also keep a list of all removals or changes of residence, so far as he can learn the same, and of commitments to prisons and insane asylums, with time and place, as well as such other information as shall be found useful and within his reach. It shall be the duty of all Clerks of Courts, Prison Keepers, Health Officers, and all other public officers, on demand, to furnish to said Secretary certified statements of such official facts,

within their knowledge, necessary or useful to him in and about the performance of his said duty.

SEC. 10. The Secretary, under and subject to the rules of the Board, must take charge of the business of placing the election officers, and when it is too late to call the Board together to fill vacancies, may select and appoint election officers for said purpose, from a list of substitutes selected by said Board. Should any election officer fail to appear at the opening of any election, or absent himself during the progress thereof, the officers in attendance may, subject to such rules as the Board may prescribe, fill up the same by appointing any competent citizen who is a registered elector of the precinct. In all cases in filling a vacancy the appointee shall be taken from the political party to which the person, whose place is to be filled, belongs. Any person refusing to serve when so appointed, shall be guilty of a misdemeanor.

SEC. 11. The registration of voters, counting of votes or ballots, and all proceedings connected therewith, shall be public, and citizens shall have free ingress and egress to and from the place where the same is being done. Any election officer or other person who shall hinder or impede any citizen in his right to free entrance to any polling place, or place of registration, and to observe and watch the registration and the counting of votes or ballots, shall be guilty of a misdemeanor.

SEC. 12. At every election each political party shall have the right to designate, place, and keep a challenger at each place of registration, revision of registration and voting, who shall be assigned such position immediately adjoining the officers of registration and of election, as will enable him to see each person as he offers to register or vote, and who shall be protected in the discharge of his duty by the officers of election and the police. Each political party may remove any challenger appointed by it, and may appoint another in his place who shall have the like authority as was conferred by the original appointment.

SEC. 13. It is hereby made the duty of any and all voters (persons holding office or employment under the United States, the State of California, or said city and county, or in any of its departments, excepted), to serve as Inspectors, and Clerks, or other officers of election, whenever required to do so under the provisions of this Article.

SEC. 14. It shall be the duty of the Secretary of the Board to obtain from the property tax-list and registers of voters the names of the resident citizens possessing the necessary qualifications to act as Inspectors and Clerks of Election, taking care to select persons of good reputation and character, and have the same placed in a book, so as readily to re-

fer to the places of residence and the precinct in which they vote. He shall take care that said list shows the names and residences of all property tax-payers who reside in said city and county, and who are voters, and shall ascertain, as nearly as he can, the capabilities of such voters to act as election officers. If any of them are incompetent to serve, and not otherwise, their names may be left off, but the reason must be noted.

SEC. 15. Said Commissioners shall select, except as herein otherwise provided, all election officers provided for by law or by this Charter for said city and county, and shall appoint them to their respective places. They must be citizens of said city and county, of good character, and able to read, write and speak the English language. Said Board shall have the power to make any regulations and rules for such appointment or selection as it may deem advisable, so as to secure integrity, impartiality and capacity for the work to be done ; and must take measures to secure the names of proper persons, citizens of said city and county, to fill all appointments as herein provided. In selecting such officers the Board must select, as nearly as possible, an equal number of persons of opposite political faith and opinions to serve at each precinct. And the persons so selected must be residents of the ward and of the Senatorial District in which the precinct is located.

SEC. 16. The Inspectors shall receive no compensation for any of their services. The said Board may, when necessary, provide for the compensation of clerks for tallying, writing and other matters requiring special skill and qualifications, such sum as may be necessary to secure such services; but not to exceed four dollars per day for any one clerk. Any clerk who would be entitled to receive compensation under the provisions of this section, may at his option, in writing, waive such compensation. No person holding any office or employment under the United States, the State of California, or said city and county, or any of its departments, or any candidate for office, or who shall have been either thereof within ninety days prior to his appointment, shall be eligible to, or allowed to serve as an election or registration officer, or clerk, or in any manner whatsoever at an election.

SEC. 17. Each and every person selected as an officer of election by the Commissioners shall be notified by the Secretary of the fact of his appointment. Such notice shall be in writing, or printed, and shall have printed thereon a copy of this section, and may be served by postal card or letter. Such person so notified shall, within the time fixed in the notice, which shall not be less

than five days, appear before the Supervisor of Elections for the purpose of examination, and if found qualified shall, unless excused by said Board, by reason of ill-health, or other good and sufficient cause, be bound to serve as such officer for the term of two years from the date of his appointment, unless excused or dismissed by the Board; and in case of neglect or refusal to comply with the above mentioned requirements, or to serve or act, shall be deemed guilty of a misdemeanor, and, on conviction in the Police Court, shall be liable to a fine of not less than twenty-five dollars nor more than one hundred dollars. Failure on the part of any such person to present himself for examination, or to comply with any of the requirements of this Article preliminary to receiving his certificate of appointment within the time prescribed, or to attend and perform the duties on any day of registration, or revision or examination of registration, or the day of any election during said term, unless prevented by sickness, or other sufficient cause (the burden of proof of which shall be upon the delinquent) shall be deemed a refusal within the meaning of this section. The Board of Police Commissioners are empowered to require the Police Force to serve the notices and other process, under such rules and regulations as they may adopt.

SEC. 18. The persons so appointed officers of election shall each take and subscribe and file with the Supervisor of Elections before acting as such, and within ten days from the date of notice of appointment the following oath of office: "I, _____, residing at _____, do solemnly swear (or affirm) that I will support the Constitution of the United States and of the State of California, and that I will faithfully discharge the duties of _____ of election for the City and County of San Francisco, in Election Precinct _____ of Ward _____, according to the best of my ability, and that I am a citizen and qualified elector of the State of California and not a candidate for office to be voted for by the electors of the precinct or ward for which I am appointed, nor have I held office or employment under the United States, the State of California, the City and County of San Francisco, or any Department thereof, or been a candidate therefor, within ninety days." No payment shall be made to any person as an election officer who shall not have taken, subscribed and filed such oath or affirmation, or who shall not during his period of service have fully complied with the requirements of law relating to his duties, and the acting of any such person in such capacity without having taken and subscribed such oath or affirmation, shall be a misdemeanor.

SEC. 19. Each person so appointed and qualified shall receive a certificate of appointment from and in such form as

may be prescribed by said Board to be attested by the Secretary. It shall specify the ward and precinct for which he is appointed and the date of the expiration of his term of office. He may be removed by said Board for want of the requisite qualifications, or for cause, in either of which cases such removal, unless made when the Inspector or Clerk is actually on duty on a day of registration or election, and for improper conduct as an election officer, shall only be made after notice, in writing, to the officer sought to be removed, which notice shall set forth clearly and distinctly the reasons for his removal. When any Inspector or Clerk is appointed to fill a vacancy, that fact shall be stated in his certificate of appointment, and he shall hold office only for the unexpired term. No Inspector or Clerk shall be transferred from one election precinct to another after he has entered upon the performance of his duties.

SEC. 20. The registration of electors shall be done by election precincts. The provisions of the Political Code, requiring the keeping of a Great Register and Ward Registers, shall not be applicable to said city and county. The provisions of said Code, as they now are or may hereafter be, as to making and keeping the Great Register, and the manner of entering names therein, and the substance and contents of said entries, and the alterations, changes and cancellation thereof, as well as the proceedings and proofs to enable electors to be registered in said Great Register, and all matters relating thereto, so far as the same are not inconsistent with the provisions of this Charter, shall be applicable to the precinct registers of said city and county. And said precinct registers shall be used at all elections, and no person shall vote at any election unless he be legally registered upon the precinct register of the precinct in which he is a qualified voter. No certificate of the Secretary of the Board or of any other officer shall ever be taken as the basis of a right to vote, or as an excuse for not being registered ; the register it-self being the only evidence of registration, no person whose name is not thereon shall be allowed to deposit his ballot under any circumstances.

SEC. 21. The registration of electors in the precinct registers in said city and county, shall take place previous to each general election, and shall end thirty days before such election, as herein provided, and an elector properly enrolled thereon, without being again enrolled, may, if he has not changed his residence, vote at the general election next ensuing after his registration, and at all special elections between said general election and the next general election, but not afterwards, until again registered according to law.

SEC. 22. The Board of Election Commissioners shall cause to be prepared books for the registration of names and facts required by law and by this Article, as provided in Section 23 of this Chapter. Said books shall be called Precinct Registers, and shall be so arranged as to admit of the entering under the name of each street or avenue in each election precinct, and the number of each dwelling in any such street or avenue, if there be a number there-to, and if there be no number, under such other definite description of the location of the dwelling-place as shall enable it to be readily ascertained, found and located, of the names of all electors resident in each dwelling in each of said precincts who shall apply for registration. Said Registers shall be ruled in parallel columns, in which, opposite to and against the name of every applicant, shall be entered words and figures of the character hereinafter provided in this section, and each of said Registers shall be of such size as to contain not less than five hundred names, and so prepared that they may be used at each election, until such time as is provided for the succeeding general registration, and shall, on the inside, be in appearance and form substantially as follows, to-wit:

REGISTER OF VOTERS.

Residence.	Name.	Floor of House.	Locality of Room and Number.	Native.	Age.	Color.	Occupation.	State.	County.	Precinct.	By Father.	Time and Place.	Court.	Certificate Lost.	Date of Papers.	Voted.	Qualified Voter.	Date of Application.	Challenge.	Signature of Voter.	Registration Number.
111706 Clay st..	Hill, John H.	Front, 3	Yes	England	26	White Baker.	6 years 15 mos. 1 year.	Yes	Front, 3	Yes	England	26	White Baker.	6 years 15 mos. 1 year.	Yes	Front, 3	Yes	England	26	White Baker.	111706
222315 Green st.	Smith, James.	Back, 11	Yes	Maine	30	Col'd. Teamster.	2 years 1 year.	Yes	Back, 11	Yes	Maine	30	Col'd. Teamster.	2 years 1 year.	Yes	Back, 11	Yes	Maine	30	Col'd. Teamster.	222315

To each precinct register shall be prefixed an alphabetical list of all the names contained therein, and opposite to each name shall be set its register number. It shall be the duty of the Boards of Precinct Registration at the time names are registered, to place each name in said alphabetical list and set opposite the same its registered number in both the precinct registers and the duplicates.

SEC. 23. The Board of Election Commissioners shall cause to be prepared a sufficient quantity of blanks for Precinct Registers, duplicates, and indexes for all the precincts, ninety days previous to each general election, and the Secretary shall cause them to be made into books sufficient and proper for each precinct. Any elector who would be entitled to vote at the general election and who is about to absent himself from the city and county to remain away during the time provided herein for registration by the Boards of Precinct Registration so that he will be unable to be so registered, may upon making and filing with the Secretary an affidavit showing such fact, be specially registered at the office of the Board by the Secretary or a Deputy, but no others shall be so registered, nor under any other circumstances. Such voters shall be, registered in the Precinct Registers, for the precinct where they are entitled to vote, and not otherwise. Such special registration shall continue at the office of the Election Commissioners until the Precinct Registers are turned over to the Board of Precinct Registration, as is hereinafter provided for, when it shall cease at said office and the registration of voters shall be continued by the Precinct Boards. Such special registration shall be made subject to the rules herein provided for registration by the Boards of Precinct Registration.

SEC. 24. It shall be the duty of the Commissioners in the third month preceding every general election to appoint four Inspectors of election for each precinct. Said four persons shall constitute the Board of Precinct Registration for said precinct, and shall serve for two years, unless sooner removed by said Commissioners. Two of them shall be of different political faith and opinions from the other two. By the said Boards of Precinct Registration in their respective precincts at the time and in the manner provided by law and this Charter all registration of voters shall be done, except such as are specially registered at the office of the Board of Election Commissioners by the Secretary upon affidavit of intended absence from the city and county as provided for in Section twenty-three of this chapter.

SEC. 25. Said Boards of Precinct Registration shall meet in the places provided in their respective precincts

for such purpose, commencing six days (legal holidays excepted) before the day fixed by this Article for the cessation of the registration of electors and shall sit in open session from nine o'clock A. M. until ten o'clock P. M. of each day, until the day of such cessation (legal holidays excepted), to receive and act upon applications for registration on the part of the voters of said precinct. They shall organize by electing one of their number Chairman. In case of a failure to so organize within fifteen minutes after the time fixed for the meeting, the Chairman shall be selected by them by lot. *Provided*, that any two members of such Precinct Board of opposite political faith shall be sufficient to be present and register voters, and they may relieve each other in such manner, but the whole Board must meet at least once a day to examine, correct and ratify the work. When organized they shall receive the applications for registration of, and shall register, such residents of their several election precincts as then are, or on the day of election next following the day of making such application would be, entitled to vote therein, and who shall personally present themselves, with proper evidence of their right, and such only.

SEC. 26. At the time for beginning Precinct registration as provided in the preceding section the Board of Election Commissioners shall cause to be delivered to the respective Boards of Precinct Registration the Books of Precinct Registry and duplicates and the indexes in the condition they are then in, containing the names of all persons who have been specially registered, together with blanks, stationery, and all other matters and things necessary to enable them to conveniently and speedily perform the duties devolving upon them under this Article. The Secretary of the Board is charged with carrying out this provision. He shall also give such Boards his assistance and advice in organizing and conducting the registration of voters, and other matters required of them by law, and shall visit said Boards while engaged in said duty, and see that said proceedings are conducted according to law, and the registers made and continued in due form. He shall be allowed free access to the Precinct Registers at all times; the public shall also have reasonable access thereto. All election officers and clerks shall have power to administer oaths and affirmations, and to take testimony in the discharge of their duties.

SEC. 27. There shall be administered to all persons who apply to register the following oath or affirmation, viz: "You do solemnly swear, [or affirm] that you will fully and truly answer all such questions as shall be put to you touch-

ing your place of residence, name, place of birth, your qualifications as an elector, and your right as such to register and vote."

SEC. 28. Each applicant shall be examined as to his qualifications as an elector, by said Board or some member thereof, and there shall be immediately entered and in the presence of the applicant, in the said register, and in said duplicate thereof, the statements and facts below set forth in manner following, namely:

First—Under the column "Residence," the name and number of the street, avenue, or other location of the dwelling, if there be a number, but if there be not a number, such clear and definite description of the place of said dwelling as shall enable it to be readily ascertained, fixed and determined; and if there be more than one house at the number given by the applicant as his place of residence, in which house he resides, or if there be more than one family, then under the column "Floor of House," the floor on which he resides, and under the column "Number and location of room," the number and location of the room or rooms occupied by him, when numbered, and whether front or rear.

Second—Under the column "Names," the name of the applicant, giving the surname and christian name in full. The names of all the persons residing in the same dwelling shall follow each other and be under the house and street number or other description, as provided, of the dwelling.

Third—Under the column "Sworn," the words yes or no as the fact shall be.

Fourth—Under the column "Nativity," the State, country, kingdom, empire or dominion, as the fact shall be stated by the applicant.

Fifth—Under the column "Age," the age of the applicant, rejecting fractions of the year.

Sixth—Under the column "Color," the words white or colored, as the fact is.

Seventh—Under the column "Occupation," the business or profession of the applicant.

Eighth—Under the subdivision of the general column "Term of residence," the period by months or years stated by the applicant in response to the inquiries made for the purpose of ascertaining his qualification and filling such column.

Ninth—Under the subdivisions of the general column "Naturalization," there shall be placed, in all cases where the applicant claims to be a naturalized citizen, in the appropriate subdivision, whether he claims by the naturalization of his father, yes or no as the case may be, the time and

place of naturalization, the name of the Court where naturalized, whether or not the certificate is lost, and the date of the papers of naturalization, as the same shall appear by the evidence of citizenship submitted or presented by the applicant.

Tenth—Under the column “Qualified voter,” the words yes or no, as the fact shall appear and be determined by at least three members of the Board of Precinct Registration, it being, however, required of them to designate as a qualified voter any person who being otherwise qualified shall not at the time of making the application be of age, provided the time when such applicant shall be of the age of twenty-one years shall be subsequent to the date of his making application, and not later than the day of election immediately following such time of applying.

Eleventh—Under the column “Date of application,” the month, day and year when the applicant presented himself and was adjudged a qualified voter of the election precinct.

Twelfth—Under the column “Challenge,” yes or no, according to the fact, whether challenged or not.

Thirteenth—Under the column “Signature of the Voter” the applicant shall sign his name, if he be able to write, and if for any reason he be not, the name shall be written for him and the fact attested by the signature of the Inspector in the margin.

SEC. 29. It shall be the duty of the Boards of Precinct Registration, in addition to their other duties, to carefully examine and revise the names of voters upon their several precinct registers, and to ascertain if such names are the names of legal voters, properly on such precinct register and entitled to vote in said precinct.

SEC. 30. The Boards of Precinct Registration shall keep the several precinct registers for such time as shall be necessary, not to exceed three days after the time for registration ceases, during which time they shall make diligent examination and inquiry as to the right of the respective voters who have been registered on said precinct register to such registration, and shall, in all doubtful cases, certify said doubt, with the reason therefor, to the Board of Election Commissioners for further action. All persons who have been refused registration by the Precinct Board may appeal to the Board of Election Commissioners, who shall hear and determine the same in a summary manner, so as not to delay the completion of the registers.

SEC. 31. When the Board of Precinct Registration has completed the examination and inquiry provided for in the preceding section, it shall certify the precinct register with said index and said duplicate thereof as is hereinafter pro-

vided, and deliver the same to the Board of Election Commissioners. Said delivery shall be made not later than three full days after the cessation of registration. The Board of Precinct Registration shall at the same time prepare and duly certify a separate and distinct list, showing the names of all persons concerning whose right to registration it is in doubt, together with the grounds and reasons for such doubt. Such list and certificate shall be delivered to the Board of Election Commissioners at the same time with the precinct register. Proper blanks shall be prepared and furnished by the Board of Election Commissioners for the purpose of making the return of doubtful names on the registers, and also blank certificates and all other necessary things for said purpose.

SEC. 32. The certificate to be attached to the precinct register shall be substantially in the following form, to wit: "We, the undersigned, Inspectors of Election, forming the Board of Precinct Registration for the Precinct of the Ward of the City and County of San Francisco, do jointly and severally certify that on the day of, 18.., we met and organized as such Board, at the place appointed by law for the holding thereof in said precinct; that we sat as a Board of Precinct Registration at said place, from the day of, till the day of 18...., and have admitted to registration (showing number) citizens, whose names and other matters of qualification will appear upon the foregoing register, and that the whole number of qualified voters upon said register is (number).

" Dated, 18....

" (Signed):	_____

SEC. 33. The certificate to be annexed to the list of doubtful names, if any there be, shall be substantially in the following form, to wit: "We, the undersigned, composing the Board of Precinct Registration for the Precinct of the Ward, of the City and County of San Francisco, hereby certify that the accompanying list shows all the names and other matters of qualification of voters upon the precinct register for said precinct, about whose right to registration we entertain a reasonable doubt, together with a statement of the cause or grounds for such doubt.

" Dated, 18....

" (Signed):	_____

SEC. 34. The Board of Election Commissioners shall, through its Secretary, forthwith notify all persons certified as doubtful, of said fact, and also in cases where the Board or the Secretary has reason to believe that persons have been improperly registered, and shall cite them before the Commissioners, as provided in Section 9 of this Article; and the same proceedings shall be had, as to citation and cancellation, as are provided for in said section.

SEC. 35. Thirty days before a general election all registration or enrollment of voters shall cease, and the precinct registers, as they stand, shall be the precinct registers for ensuing elections and until the next general election, subject only to changes in the following cases:

First—All that for any reason are illegally on the precinct registers, shall be cancelled.

Second—Any name that has been once lawfully on the precinct register, so as to entitle the person to vote at said ensuing election, and which has been by fraud, mistake, or otherwise improperly removed or cancelled, may be restored, by order of the Board of Election Commissioners, on proper evidence thereof.

Any voter entitled to have his name upon the precinct register under the terms of the last preceding subdivision, and no others, may have the same placed upon the supplemental register provided for in this Article, within five days from the time herein provided for the cessation of enrollment on the precinct register. Any person who does not so apply within said time shall not be enrolled on the precinct register of said election.

SEC. 36. As soon as the Board of Election Commissioners shall receive the precinct register and index and said duplicate thereof from any Board of Precinct Registration, said Board of Election Commissioners shall cause the Secretary to immediately proceed to have the same printed, using said duplicate for such purpose.

SEC. 37. The Board of Election Commissioners shall, at or about the time of the commencement of any general registration in said city and county, contract for the printing with type, when completed, of said precinct registers and alphabetical lists. The contract or contracts shall require the printing of two hundred copies of each register, and that the same be completed within twelve days after the receipt of the duplicate register by the Board of Election Commissioners. The said printing shall be awarded to the bidder making the lowest bid for each name registered, counting said alphabetical lists as a part of the register, and counting each name only once; any bidder may bid for the printing

of any one or more of said registers. It shall be the duty of the Secretary of the Board and his assistants to supervise the said printing and see that all contracts with reference thereto are faithfully performed. They shall read and carefully examine the proofsheets and see that the printed copy exactly corresponds with the original register. Copies of said register when printed shall be immediately posted in the office of the Board of Election Commissioners. The Secretary of said Board shall furnish not to exceed five copies of each of said precinct registers to the authorized representatives of any political party in said city and county applying to him for the same.

SEC. 38. As soon as the Board of Election Commissioners receives the precinct register from any Board of precinct registration the Secretary shall proceed immediately to ascertain by inquiry and examination the correctness of said precinct registers, and to cancel all names not legally thereon, and shall prepare a supplemental list for each precinct, showing the cancellations and additions to the regular list made after the publication of the same, of which supplemental list a duplicate shall be kept in the same manner as hereinbefore provided for the precinct register. The printing of the said duplicate lists shall in like manner be contracted for, and the same shall be printed, posted and distributed in like manner at least fifteen days before the day of the election, after which no changes shall be made. All cancellations and additions to the registers made by the Secretary shall be subject to the approval of the Board of Election Commissioners.

SEC. 39. Not less than five days before the day for the first sittings of the Boards of Precinct Registration the Board of Election Commissioners shall cause an advertisement to be printed for five consecutive days, and on all days of registration, in two daily newspapers of general circulation, published in said city and county, one of which shall be the official newspaper, giving notice to the voters of said city and county that the time for the enrollment of voters on the precinct registers will expire on a certain day, naming the day fixed in this Article for the last day of registration, and inviting them to present themselves, within said time, for registration at the place of meeting of said Boards, (which shall be named), under penalty of being debarred the privilege of voting at such election. Such notice shall specify the day upon which the precinct registration by said Boards shall commence, and also the day upon which it is to end.

SEC. 40. The Board of Election Commissioners shall procure rooms or places for the sittings of the Boards of

Precinct Registration and for polling places. They shall advertise for offers of rooms and polling places, and shall accept the lowest bid when suitable and conveniently located, but no place shall be used in which intoxicating liquors are sold.

SEC. 41. All provisions for carrying out the registration and election laws shall be made by the Board of Election Commissioners, and demands on the Treasury authorized or allowed by it for such purposes shall be paid in the same manner as other demands, after and subject to approval of the same by the Supervisors, and after being audited by the Auditor.

SEC. 42. Two persons of different political faith and opinions, and possessing the other qualifications required by this article for Inspectors, shall be in all respects similarly named, selected, notified, examined, appointed, commissioned and sworn as Clerks in and for each election precinct. They shall hold office for the same period of time, and upon the same conditions as are above prescribed for Inspectors, and shall receive a like certificate of appointment.

SEC. 43. The Inspectors shall constitute the Board of Election for their respective precincts. The Board of Election Commissioners shall have power prior to the election day to appoint from each precinct four additional Inspectors and two additional Clerks. When such appointment is made, such additional Inspectors, with the original Inspectors, shall canvass the vote for such precinct, and shall from and after the closing of the polls constitute the Board of Election of such precinct, the members relieving each other in the duty of canvassing the ballots, which may be conducted by at least half of the whole number; but the final certificates shall be signed by a majority of the whole.

SEC. 44. Said additional Inspectors and Clerks shall be one-half each of different political faith and opinions, and possessing the other qualifications required by this Article, and shall be in all respects similarly named, selected, notified, examined, appointed, commissioned and sworn, as hereinbefore provided. They shall hold office for the same period of time as the others, and shall receive a like certificate of appointment, and shall be subject to the same rules as to payment. If any one of said additional Inspectors or Clerks is not present at the precinct at the closing of the polls the Precinct Board of Election must fill the vacancy by the appointment of some suitable person of the same political faith and opinions as the absent person.

SEC. 45. The polls must be opened at sunrise, and kept open continuously until sunset of the same day, when they shall be closed.

SEC. 46. As soon as the polls of an election shall have been closed, the Inspectors in their several election precincts shall immediately, and at the place of the polls, proceed to canvass the votes. Such canvass shall be made in the manner required by the laws of this State, shall be public, and shall not be adjourned or postponed until it shall have been fully completed. No vote shall be received, nor shall any ballot be counted or canvassed, nor shall any statement of votes, announcement or proclamation be made at any time when the main entrance to the room in which the election is held shall be closed in such a manner as to prevent ingress or egress; but the said Inspectors may station one or more officers at such entrance to exclude disorderly and improper persons; nor shall any such duties be performed unless at least six persons, if so many claim that privilege, are allowed to be present, and so near that they can see whether the duties of the said Inspectors are faithfully performed. When the canvass is completed, the returns shall be made in the manner provided by law and delivered to the Board of Election Commissioners, a delivery to the Secretary being deemed a delivery to the Board.

SEC. 47. Any person applying to register, or who, being registered, offers to vote, may, on any day of general registration or of election, be challenged by any qualified voter and either of the Inspectors of election in any election precinct may, and one of them shall, at any authorized meeting of the Board of Precinct Registration, or of the Precinct Board of Election, administer to any person so challenged the oath or oaths provided by law to test the qualification of challenged electors, and either of said inspectors may, at any such meeting, administer to any applicant for registration the oath or oaths provided in this Article, or by law, to be administered to and taken by any such applicant, and may also administer to any elector of the election precinct, who may be offered as a witness to prove the qualification of any person claiming the right to be registered, or to vote, the following oath: "You do swear, (or affirm) that you are an elector of this election precinct, that you will fully and truly answer all such questions as shall be put to you touching the place of residence and other qualifications as an Elector of the person (name to be given) now claiming the right to be registered, (or to vote) of this precinct."

SEC. 48. For all powers, authority and duties in this Article prescribed for and conferred upon, and all action required of Inspectors of election or Boards of Election, save where such authority or action is specifically allowed to any of said Inspectors, the concurrence or assent of a majority of all the Inspectors of election, in any election precinct, must in all cases be obtained.

SEC. 49. The Inspectors of Election in each election precinct, while discharging any of the duties imposed upon them by this Article, shall have full authority to preserve order and enforce obedience to their lawful commands at and around the place of registration, or election, or canvass or return of canvass; to keep the access to such place open and unobstructed, to prevent and suppress riots, tumult, violence disorder, and all other improper practices tending to the intimidation or obstruction of voters, the disturbance or interruption of the work of registration or voting, or the canvass, or return of votes; and to protect the voters and challengers from intimidation or violence, and the registers, poll books, boxes and ballots, from violence and fraud, and shall appoint or deputize, if necessary, one or more electors to communicate their orders and directions, and to assist in the enforcement thereof.

SEC. 50. Nothing in this Article contained shall give power to the Supervisors to call or order elections when not authorized by law or the provisions of this Charter.

All election proclamations, for municipal elections, shall be made and signed by the Mayor.

Inspectors of Election, who have actually performed the duties of the office in full up to the time of claiming such exemption, may be exempt from Jury duty so long as they continue to perform in full such election duties upon showing such fact by the certificate of the Secretary of the Board of Election Commissioners and the oath of the person claiming the exemption.

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ARTICLE XII.

Of Harbors and Wharves.

SECTION 1. All the wharves, water front and Harbor of San Francisco which now belong, or may hereafter belong to the city and county, or over which it does now or may lawfully exercise jurisdiction and control, shall be under the management and control of the Supervisors; *provided*, that all wharves and repairs to wharves, shall be built or repaired by the Board of Public Works, in like manner as is provided in this Charter for the improvement or repair of public buildings. The Supervisors, shall by ordinance, fix and regulate in and for the City and County the tolls for wharfage, docking and other charges and shall provide for the collection of the same, or they may provide that no charges, tolls,

dockage or wharfage be imposed or collected; *provided*, further, that the Supervisors shall not have power to lease, alienate, or in any manner dispose of, any wharf, or any such charges, tolls, dockage, wharfage, or proceeds thereof.

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ARTICLE XIII.

Salaries and Fees.

CHAPTER 1.

SECTION 1. The salaries and compensation of all officers, deputies, clerks and employees of the city and county, and its Boards, Officers and Departments, except the pay of teachers in the Public Schools, shall be established and regulated from time to time by the Supervisors, but shall not exceed the amounts named in this Chapter; *provided*, that the salaries of officers elected by the people shall not be increased or diminished in such manner as to affect any incumbent during the time for which he was elected; and, *provided further*, that officers not provided with a salary in this Chapter shall be deemed to serve without compensation, and to such none shall be allowed.

The following annual salaries and compensation shall not be exceeded, viz:

For the

Mayor, five thousand dollars.

Auditor, four thousand dollars.

Treasurer, four thousand dollars.

Tax Collector, four thousand dollars.

Assessor, four thousand dollars.

Recorder, three thousand dollars.

County Clerk, four thousand dollars.

Sheriff, five thousand dollars.

City Attorney, five thousand dollars.

District Attorney, five thousand dollars.

Coroner, three thousand dollars.

Supervisors, each, twelve hundred dollars.

Two Commissioners of Public Works, each, three thousand dollars.

Four Fire Commissioners, each, three hundred dollars.

Four Reformatory Commissioners, each, three hundred dollars.

Superintendent of Schools, three thousand dollars.
Two Police Judges, each ,twenty-four hundred dollars.
Five Justices of the Peace, each, twenty-four hundred dollars.
Four Police and Election Commissioners, each, twelve hundred dollars.
License Collector, twenty-four hundred dollars.
Mayor's Clerk, eighteen hundred dollars.
Auditor's Deputy, twenty-four hundred dollars.
Three Clerks for Auditor, each, twelve hundred dollars.
Treasurer's Deputy, twenty-four hundred dollars.
Two Clerks for Treasurer, each, twelve hundred dollars.
Tax Collector's Deputy, eighteen hundred dollars.
Tax Collector's Cashier, eighteen hundred dollars.
Three Permanent Clerks for Tax Collector, each,twelve hundred dollars.
Forty Temporary Clerks for Tax Collector, each,twelve hundred dollars.
One Deputy for License Collector, fifteen hundred dollars.
Twelve Assistant Deputies for License Collector, each, twelve hundred dollars.
One Chief Deputy for Assessor, twenty-four hundred dollars.
Ten Assistant Deputies for Assessor, each, twelve hundred dollars.
Fifty Temporary Deputies for Assessor, each, twelve hundred dollars.
Recorder's Deputy, twenty-four hundred dollars.
Two Assistant Deputies for Recorder, each, twelve hundred dollars.
One Mortgage Clerk in the Recorder's office, fifteen hundred dollars.
One Chief Deputy County Clerk, twenty-four hundred dollars.
Twelve Register Clerks for County Clerk, each, twelve hundred dollars.
Twelve Assistant Register Clerks for County Clerk, each, twelve hundred dollars.
Twelve Court Room Clerks for County Clerk, each,eighteen hundred dollars.
Three Deputy Clerks for Justices' Court, each, twelve hundred dollars.
Three Deputy Clerks for Police Court, each,twelve hundred dollars.
One Under Sheriff, two thousand dollars.
One Bookkeeper for Sheriff, eighteen hundred dollars.

Thirty-two Deputy Sheriffs, each, twelve hundred dollars.
One Sheriff's Attorney, twelve hundred dollars.
One Matron County Jail, six hundred dollars.
One Driver Prison Wagon, seven hundred and twenty dollars.
Two Coroner's Clerks, each, nine hundred dollars.
One Coroner's Messenger, six hundred dollars.
Two Assistant District Attorneys, each, twenty-four hundred dollars.
Two Assistant District Attorneys for Police Court, each, twenty-four hundred dollars.
Two Clerks for District Attorney, each, twelve hundred dollars.
Two Clerks for Assistant District Attorneys in Police Court, each twelve hundred dollars.
One Assistant City Attorney, twenty-four hundred dollars.
One Chief Clerk for City Attorney, eighteen hundred dollars.
One Office Clerk for City Attorney, twelve hundred dollars.
One Messenger Boy for City Attorney, three hundred dollars.
One Clerk for Aldermen, three thousand dollars.
Three Deputy Clerks for Aldermen, each, eighteen hundred dollars.
One Messenger for Aldermen, twelve hundred dollars.
One Clerk for Assistant Aldermen, eighteen hundred dollars.
One Deputy Clerk for Assistant Aldermen, twelve hundred dollars.
One Messenger for Assistant Aldermen, nine hundred dollars.
One Secretary to Board of Election Commissioners, twenty-four hundred dollars.
Two Permanent Clerks to Board of Election Commissioners, each, twelve hundred dollars.
Six Temporary Clerks (3 months) to Board of Election Commissioners, each, twelve hundred dollars.
One Janitor to Board of Election Commissioners (3 months), six hundred dollars.
One Clerk to Chief of Police, six hundred dollars, in addition to his salary as policeman.
One Chief of Police, four thousand dollars.
Five Captains of Police, each, twenty-four hundred dollars.
Four hundred Policemen, each, twelve hundred and twenty-four dollars.
Twelve Detective Officers, each three hundred dollars in addition to their salaries as policemen.
Forty-five Sergeants of Police, each, three hundred dollars in addition to their salary as policemen.

One Pound-keeper, nine hundred dollars.
One Secretary to Board of Health, eighteen hundred dollars.
One Health Officer, twenty-four hundred dollars.
One Messenger to Board of Health, six hundred dollars.
One City Physician, eighteen hundred dollars.
One Assistant City Physician, twelve hundred dollars.
One Superintendent of City and County Hospital, twenty-four hundred dollars.
One Apothecary of City and County Hospital, nine hundred dollars.
One Clerk for City and County Hospital, nine hundred dollars.
One Steward for City and County Hospital, six hundred dollars.
One Engineer for City and County Hospital, six hundred dollars.
One Matron for City and County Hospital, six hundred dollars.
Two Dressers for City and County Hospital, each, three hundred and sixty dollars.
Fourteen Nurses for City and County Hospital, each, four hundred and twenty dollars.
One Night Watchman for City and County Hospital, four hundred and twenty dollars.
One Baker for City and County Hospital, four hundred dollars.
One First Cook for City and County Hospital, six hundred dollars.
One Second Cook for City and County Hospital, four hundred dollars.
One Third Cook for City and County Hospital, three hundred dollars.
One Head Laundryman for City and County Hospital, three hundred and sixty dollars.
Three Assistant Laundrymen for City and County Hospital, each, three hundred dollars.
Three Waiters for City and County Hospital, each, three hundred dollars.
One Ambulance Driver for City and County Hospital, four hundred and eighty dollars.
One Mattress Maker for City and County Hospital, four hundred dollars.
One Carpenter for City and County Hospital, five hundred dollars.
One Gardener for City and County Hospital, five hundred dollars.
One Gate-keeper for City and County Hospital, three hundred and sixty dollars.

One Superintendent of Alms House, twenty-four hundred dollars.
One Resident Alms House Physician, twelve hundred dollars.
One Matron for Alms House, six hundred dollars.
Four Nurses for Alms House, each, four hundred dollars.
One Steward for Alms House, five hundred dollars.
One First Cook for Alms House, five hundred dollars.
One Second Cook for Alms House, four hundred and fifty dollars.
Two Third Cooks for Alms House, each, four hundred dollars.
One Ambulance Driver for Alms House, three hundred and sixty dollars.
Two Watchmen for Alms House, each, three hundred and sixty dollars.
One Farmer for Alms House, four hundred and eighty dollars.
One Teamster for Alms House, four hundred dollars.
One Engineer for Alms House, five hundred dollars.
One Tailor for Alms House, three hundred and sixty dollars.
One Shoemaker for Alms House, three hundred and sixty dollars.
One Baker for Alms House, three hundred and sixty dollars.
One Laundryman for Alms House, three hundred and sixty dollars.
One Carpenter for Alms House, three hundred and sixty dollars.
One Resident Physician for Small-pox Hospital, twenty-four hundred dollars.
Two Surgeons for City Receiving Hospital, each, six hundred dollars.
One Superintendent of City Cemeteries, four hundred and eighty dollars.
One Quarantine Officer, eighteen hundred dollars.
One Master of Quarantine Launch, nine hundred dollars.
One Engineer of Quarantine Launch, nine hundred dollars.
Two Boatmen of Quarantine Launch, each, three hundred and sixty dollars.
One Secretary to the Board of Public Works, eighteen hundred dollars.
One Assistant Secretary to the Board of Public Works, twelve hundred dollars.
One Assessment Clerk to the Board of Public Works, twelve hundred dollars.
One Contract Clerk to the Board of Public Works, twelve hundred dollars.
Two Deputy Clerks to the Board of Public Works, each, twelve hundred dollars.

Two Street Inspectors, each, nine hundred dollars.
One City Engineer, twenty-four hundred dollars.
Five Deputy City Engineers, each, twelve hundred dollars.
One City Architect, twenty-four hundred dollars.
One Superintendent of Public Works, eighteen hundred dollars.
One Storekeeper for Corporation Store Yard, twelve hundred dollars.
One General Superintendent of Park, fifteen hundred dollars.
One Secretary Board of Fire Commissioners, eighteen hundred dollars.
One Chief Engineer Fire Department, three thousand dollars.
One Assistant Chief Engineer Fire Department, twenty-four hundred dollars.
Four Assistant Engineers Fire Department, each, eighteen hundred dollars.
Thirteen Foremen of Steam Fire Engines, each, five hundred and twenty dollars.
Thirteen Engineers of Steam Fire Engines, each, sixteen hundred and eighty dollars,
Thirteen Drivers of Steam Fire Engines, each, one thousand and eighty dollars.
Thirteen Firemen of Steam Fire Engines, each, one thousand and eighty dollars.
One hundred and four Hosemen, each, four hundred and eighty dollars.
Four Foremen Hook and Ladder Companies, each, five hundred and forty dollars.
Four Drivers Hook and Ladder Companies, each, one thousand and eighty dollars.
Four Tillermen Hook and Ladder Companies, each, one thousand and eighty dollars.
Forty-eight Hook and Ladder Men, each, four hundred and eighty dollars.
Nine Foremen of Hose Companies, each, five hundred and forty dollars.
Nine Drivers of Hose Companies, each, one thousand and eighty dollars.
Nine Stewards of Hose Companies, each, nine hundred and sixty dollars.
Fifty-four Hosemen of Hose Companies, each, four hundred and eighty dollars.
One Foreman to Fireboat, five hundred and twenty dollars.
One Steward to Fireboat, nine hundred and sixty dollars.

One Clerk and Storekeeper to Fire Department Corporation Yard, fifteen hundred dollars.

One Corporation Yard Drayman, one thousand and eighty dollars.

One Janitor and Messenger, nine hundred dollars.

One Superintendent Steam Fire Engines, eighteen hundred dollars.

One Assistant Superintendent Steam Fire Engines, sixteen hundred and eighty dollars.

One Substitute Engineer and Machinist, sixteen hundred and eighty dollars.

One Night Watchman Corporation Yard, nine hundred dollars.

Two Hydrantmen, each, one thousand and eighty dollars.

One Veterinary Surgeon, twelve hundred dollars.

One Carpenter, twelve hundred dollars.

One Secretary to Board of Reformatory Commissioners, nine hundred dollars.

One Superintendent of House of Correction, twelve hundred dollars.

One Superintendent of Industrial School, twelve hundred dollars.

One Superintendent Fire Alarm and Police Telegraph, twenty-four hundred dollars.

Three Interpreters for the Courts, each, twelve hundred dollars.

Three Operators of the Fire Alarm and Police Telegraph, each, fifteen hundred dollars.

One Chief Repairer of the Fire Alarm and Police Telegraph, twelve hundred dollars.

Two Assistant Repairers of the Fire Alarm and Police Telegraph, each, one thousand and eighty dollars.

Special Temporary Clerks and Employees, during employment, at the rate of \$40 per month.

One Property Clerk for the Police Office, eighteen hundred dollars.

SEC. 2. The officers mentioned in Section 1, of this Chapter, shall be paid only at the rates per annum therein specified, for the time during which they may actually perform the duties of their offices respectively.

ARTICLE XIV.

Of the Civil Service.

SECTION 1. The Mayor shall appoint four persons, not more than two of whom shall be adherents of the same political party, who shall constitute the Civil Service Commission of the City and County, who shall continue in office for the period of four years, and until their successors are appointed and qualified, and who shall serve without compensation.

SEC. 2. No person appointed to any position in any of the offices or departments shall be removed from office, unless by order of said Commission, after an examination in public and an adjudication upon written charges by some person who shall subscribe his or her name and address to such charges. And for the purposes of such examination and adjudication, the said four members of said Commission shall act in conjunction with the head or presiding officer of the particular office or department in which the person charged is employed.

Such adjudication as they, or the majority of them, shall make shall be final, and the same, with the reasons therefor, shall be entered at large upon the minutes of said Commission, and shall be open to public inspection.

If the said adjudication is that the person so charged shall be dismissed from his position, then and in that event such adjudication of dismissal shall operate as dismissal from the position held by the person charged, from its date. If the said adjudication is that the charges are not sustained, and that the complaint shall be dismissed, then and in that event the person charged shall remain undisturbed in his official position; *provided, however*, that in the event of any charge of misconduct made against any person liable to be tried by said Civil Service Commission, the officer or head of the department to whom the person so charged is subordinate may at his option suspend such person so charged from duty and pay until such charges are adjudicated.

And provided further, that the proceedings upon the trial of such charges of misconduct shall be in all respects in conformity with such general rules as may be prescribed by said Commission.

SEC. 3. All appointments and promotions in the Service of the city and county shall be on the basis of merit, and the practical aptitude, fitness, and experience of the appointee; and no

person in the public service shall be removed or otherwise prejudiced for refusing to contribute to any political fund, or to render any political service; and no person in said service shall use his official authority or influence to coerce the political action of any person or body.

SEC. 4. The provisions of Section 2 of this Chapter shall not apply to the Chief Deputy of any Board, Department or office, nor to any of the places in the office of the Treasurer. Any Board or Officer having the collection and custody of money may require of his clerks or employees bonds of indemnity with sufficient sureties, the amount to be regulated by general rule, to be applied to all in such office.

SEC. 5. The Supervisors may, from time to time, pass such ordinances as they may deem necessary to more fully carry out and enforce the purposes of this Chapter, and should the public interests require, they may at any time by ordinance amend, alter, modify or repeal the whole or any part thereof.

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ARTICLE XV.

Miscellaneous Provisions.

SECTION 1. City and County officers whose election or appointment is not otherwise provided for, either by law or this Charter, shall be appointed and vacancies therein filled by the Mayor by and with the advice and consent of the Board of Aldermen. An officer so appointed shall hold the office until the expiration of the term, and until a successor is elected or appointed and qualified, and where no other period therefor is prescribed, the term of such officer shall not exceed four years.

SEC. 2. An officer shall be deemed to have "qualified" when he has taken the oath of office and filed the same, together with his official bond, if a bond be required, in the office of the Auditor; *provided*, that the bond and oath of office of the Auditor shall be filed with the County Clerk.

SEC. 3. Officers before entering upon the discharge of their official duties, shall respectively give and execute such official bonds as may be required by law, or this Charter, or any ordinance. When the amount of any bond is not fixed by law or this Charter, it shall be fixed by an ordinance of the Supervisors. Such bonds, excepting those of the Mayor and Auditor, must be approved by the

Mayor, Auditor, and President of the Board of Aldermen. The bond of the Mayor must be approved by the Auditor, the President of the Board of Aldermen and the President of the Board of Assistant Aldermen. The bond of the Auditor must be approved by the Mayor, the President of the Board of Aldermen, and the President of the Board of Assistant Aldermen. The approval of every official bond must be indorsed thereon, and signed by the officers approving the same after the examination of the sureties as hereinafter provided. Upon the approval of a bond it must be recorded at the expense of the party giving the same in the office of the County Recorder, in a book kept for that purpose, entitled "Record of Official Bonds." The bond of the Auditor shall be filed and kept in the office of the County Clerk. The bonds of all other officers shall be filed and kept in the office of the Auditor.

SEC. 4. The Officers named in this section shall respectively execute to the city and county of San Francisco official bonds, with sureties for the following amounts, viz:

The Mayor for the amount of twenty-five thousand dollars.

The Auditor for the amount of fifty thousand dollars.

The Treasurer for the amount of one hundred and fifty thousand dollars.

The Tax Collector for the amount of one hundred thousand dollars.

The Collector of Licenses for the amount of twenty-five thousand dollars.

The Assessor for the amount of forty thousand dollars.

The County Clerk for the amount of fifty thousand dollars.

The County Recorder for the amount of twenty-five thousand dollars.

The Sheriff for the amount of one hundred thousand dollars.

The Coroner for the amount of ten thousand dollars.

The City Attorney for the amount of forty thousand dollars.

The District Attorney for the amount of twenty-five thousand dollars.

The Public Administrator for the amount of forty thousand dollars.

The Superintendent of Public Schools for the amount of ten thousand dollars.

Each Commissioner of the Board of Public Works for the amount of twenty-five thousand dollars.

Each Alderman for the amount of twenty thousand dollars.

Each Assistant Alderman for the amount of twenty thousand dollars.

Each School Director for the amount of five thousand dollars.

Each Justice of the Peace for the amount of five thousand dollars.

Each Fire Commissioner for the amount of five thousand dollars.

Each Park Commissioner for the amount of five thousand dollars.

Each Police and Election Commissioner for the amount of ten thousand dollars.

City and County officers shall not be received as surety for each other. Every official bond shall contain a condition that the principal will faithfully perform all official duties then or that may be thereafter imposed upon, or required of such principal by law, this Charter, or ordinance.

SEC. 5. Each official bond must be also executed by two or more sureties, who shall each justify in double the amount required for said bond; *provide*, that where the amount of the bond is more than five thousand dollars, the sureties may become severally liable for portions of not less than five thousand dollars thereof, *and provided further*, that when there are more than two sureties thereto, the sureties may justify in double the amount of such portions, and such portions must, in the aggregate, equal double the amount of said bond:

Each surety upon an official bond must make an affidavit which shall be indorsed upon such bond that he is a resident and freeholder in the City and County of San Francisco, and worth in real property, situated in said city and county, exclusive of mortgages thereon, double the amount of his undertaking over and above all sums for which he is already liable or in any manner bound, whether as principal, indorser or surety, and whether such prior obligation or liability be conditional or absolute, liquidated or unliquidated, certain or contingent, due or to become due; and that he was assessed in his own name upon the last preceding assessment roll of such city and county in an amount greater than his undertaking, and that the taxes on said property are not delinquent. All persons offered as sureties on official bonds shall be personally examined on oath as to their qualifications, by the Officers whose duty it is to approve the bond.

SEC. 6. When under any of the provisions of this Charter, or of any ordinance, an official bond shall be given by any officer, the Board of Aldermen may, by resolution, require an

additional bond, whenever, in the opinion of such Board, such bonds or any surety thereto becomes insufficient; and such additional bond shall also be so required whenever a surety to a bond so given shall die or cease to be a resident of such city and county.

SEC. 7. Every officer shall be liable on his official bond for the acts and omissions of the deputies, assistants, clerks and employees appointed by him and of any and each of them.

SEC. 8. All officers, deputies, clerks, assistants and other employees of the city and county and of the several departments during their respective terms of office or employment, except teachers, must be citizens and residents of such city and county, and must have been for at least one year preceding their appointment. They and each of them shall perform such duties as may be required of them respectively, by law, this Charter or ordinance, and shall only receive such compensation as may be provided by law, which compensation shall not be increased during the term of their respective offices or employment; nor shall the term of any officer be extended beyond the period for which he was elected. No person shall at the same time hold a state and city and county office, nor hold two city and county offices.

SEC. 9. No officer of such city and county, or any department thereof, shall receive to, or for his own use, any fees, charges or moneys for the performance of any official duty; but such officer, immediately or within twenty-four hours after collecting or receiving the same, shall pay such fees and charges, and each of them, into the City and County Treasury, and he shall render to the Auditor, monthly statements of all such fees, charges and moneys, specifying therein, from whom received, for what service, or on what account, the amount and date of each item, and the amount with the date thereof of any portion which has been paid into the Treasury. Such statement must be accompanied with the affidavit of the officer, to the effect that it is a full, true and complete statement, and that he has not directly or indirectly received or collected any fees, charges or money for the performance of official duty, up to the time of making such statement, for which he has not fully accounted. The statement and affidavit must remain of record in the office of the Auditor, and the Treasurer shall have access thereto.

SEC. 10. An office becomes vacant whenever the incumbent dies, resigns, or is adjudged to be insane, or otherwise incompetent to transact business, or is convicted of felony, or is removed from office, or whenever he shall absent himself from the State for more than sixty consecutive days. The Supervisors shall have no power to grant leave of ab-

sence to any officer. A vacancy in an office shall be filled by appointment and the person so appointed shall hold the office only for the unexpired term. .

SEC. 11. All public offices, except that of the Treasurer, shall be kept open for business every day, except legal holidays, between the hours of half-past eight o'clock in the forenoon and five o'clock in the afternoon ; *provided*, that in addition thereto from the first day of October until the thirty-first day of December in each year, the office of the Tax Collector shall be kept open until nine o'clock in the evening.

SEC. 12. No office shall be created, nor shall any person be employed in any capacity in any department ; nor shall any officer, clerk or employee receive any salary or compensation for any service of any kind, unless specially provided for in this Charter.

SEC. 13. No person shall be eligible to or shall hold any office or be official clerk or deputy in any office or Department who, at the time of his election or appointment, is not twenty-one years of age, a citizen of this State, and a resident and qualified voter of said city and county; or who has been guilty of malfeasance in office, bribery, or other infamous crime; or who in any capacity has embezzled public funds.

SEC. 14. The newspaper to which shall be awarded the contracts for doing the official printing, shall, during such contract, be deemed and known as the official newspaper of said city and county.

SEC. 15. The several officers and heads of Departments on or before the first day of August of each year shall report to the Supervisors the condition of their respective offices and departments during the last preceding fiscal year, embracing all their operations and expenditures. Immediately thereafter the Supervisors shall prepare and publish an abstract from these several reports, and other sources, of the operations, expenditures and conditions of all offices and departments.

SEC. 16. The Supervisors, by ordinance passed by a two-third vote, may consolidate the House of Correction and the Industrial School into one institution under the same management ; or, when it shall be for the public interest in like manner, may abolish one or both of said institutions.

SEC. 17. Property belonging to the city and county or dedicated to public use, shall be exempt from sale under judgment, execution or order of any Court; and private property shall not be taken or sold for the payment of any corporate debt or liability of such city and county.

SEC. 18. All moneys, assessments and taxes belonging to or collected for the use of the city and county coming into the hands of any officer thereof, shall immediately be deposited with the Treasurer, or other legal depository, to the credit of such city and county, for the benefit of the funds to which they belong. If such officer for twenty-four consecutive hours shall delay or neglect to make such deposit as in this section required, he shall be deemed guilty of malfeasance in office.

SEC. 19. The making of profit out of city and county or other public money, or the money of any department, or using the same for any purpose not authorized by law, by any officer having possession or control thereof, is prohibited. Any officer violating this section shall be deemed guilty of felony, and in addition to the punishment prescribed by law may be removed from office for violation of official duty.

SEC. 20. The Supervisors at any time in the month of July of each year, shall have power by ordinance to establish, and may reduce and fix, but not increase beyond the limit declared in this charter, the salaries and wages of all such officers, deputies, clerks, assistants and other employees of the city and county, and of the Boards and Departments thereof (excepting those of the Mayor and the teachers and employees of the School Department), as are provided with salaries or wages in this Charter, which salaries and wages, when so fixed, shall go into effect on the first Monday after the first day of January next thereafter, and shall remain and be in force until changed as herein authorized ; and in the same month of July of each year, on the special recommendation of the Mayor in writing, giving the number and department, the Supervisors, if in their opinion the public service requires it, by a two-third vote of all the members of each Board, may authorize a temporary increase, for a period to be named in the ordinance not exceeding one year, of the clerks and employees in any department ; but such temporary clerks and employees shall not in number be in excess of the number, or for any other department, than as recommended by the Mayor, and their respective salaries, unless otherwise provided in this Charter, shall not exceed fifty dollars a month.

SEC. 21. Neither the city and county, nor any department thereof, nor the Board of Education, shall incur any indebtedness or liability in any manner, or for any purpose, exceeding in any year the income and revenue provided for them respectively for such year. Any indebtedness or liability incurred contrary to this provision shall be void. The Mayor, Supervisors and all officers and departments and each of them, are specially charged with the strict observance

of this section, and the Auditor for auditing, and the Treasurer for paying any liability in violation thereof, shall respectively be liable therefor personally, and on their official bonds, and shall be deemed guilty of malfeasance in office.

SEC. 22. Whenever the Supervisors shall determine that the public interest requires the construction or acquisition of any permanent municipal building, work, property or improvement, the cost of which is too great to be paid for out of the ordinary annual income and revenue of said city and county, they may by ordinance submit a proposition to incur a debt for such purpose, to the qualified voters at a special election, to be called for that purpose only, *provided*, such proposition shall specify the rate of interest and the amount of the proposed indebtedness and the specific purpose for which it is to be incurred, and shall make provision for the collection of an annual tax sufficient to pay the interest on such indebtedness, as it falls due, and also to constitute a Sinking Fund for the payment of the principal thereof, within twenty years from the time of contracting the same. Such election shall be conducted and proclamation thereof made, as in other municipal elections. The money so raised shall be paid into the Treasury and there kept as a "Special Election Fund," to be drawn and used only for the special purpose for which the indebtedness is incurred. Should such proposition be assented to by a two-thirds vote of the qualified electors voting at such election in order to provide the necessary funds for such purpose and no other, the Supervisors may incur an indebtedness by issuing the bonds of said city and county to an amount not to exceed the sum voted for at such election, and disposing of the same. Such bonds shall not bear over four per cent. interest per annum, and must be payable in not more than twenty years, and shall not be disposed of at less than their par value.

SEC. 23. When any public work or improvement of any description whatsoever, now or hereafter authorized by general or special laws, to be done or made in such City and County, in, upon or about the streets thereof, or otherwise, the costs and expense of which is made chargeable or may be assessed upon private property by special assessment, an estimate of such cost and expense shall be made and an assessment in proportion to benefits on all property to be affected or benefitted shall be levied, collected and paid into the Treasury before any such work or improvement shall be commenced, or any contract for letting or doing the same, authorized or performed.

• The Supervisors, when no other provision is made by law therefor, shall have power and authority by general ordinance and through and by the Board of Public Works to enforce and

fully carry into effect this section and all requirements of Sec. 19, of Art. XI, of the Constitution of this State; and in like manner shall make all rules, regulations and provisions necessary for the making such estimate of cost and expense, and for the levying, collecting and enforcing the payment of such assessment, and letting such contract; all laws now in force for making, collecting and enforcing by, forced sale of the property or otherwise, the payment of assessments for work or improvement done or made upon, in, or about the streets of such City and County, and for letting contracts for such work and improvement, so far as they are, or may be made applicable, shall remain in full force, until changed or superseded.

SEC. 24. Any Officer, except the Mayor, may be removed by concurrent resolution of the Board of Alderman and the Board of Assistant Aldermen adopted by a two-thirds vote of each Board, for the following causes: Malfeasance or misdemeanor in office; embezzlement of public funds; a want of any qualification prescribed in this Charter; incompetency or a gross violation of official duty; but no removal shall be made by virtue of this section, unless the cause thereof be entered on the Journal, nor, unless the party complained of has been served with a written notice of the grounds of removal and shall have an opportunity of being heard in his defense. On the question of removal the ayes and noes shall be entered on the Journal.

SEC. 25. The Supervisors, by ordinance, may at intervals of not less than two years, propose amendments and alternative amendments to this Charter, and cause the same to be published in two daily papers of general circulation in said city and county at least twenty days, and in like manner cause the same to be submitted to the qualified voters thereof at a general or special election to be held at least sixty days after the expiration of such publication; and if any such proposed amendment shall be ratified by at least three-fifths of the qualified electors voting thereat, the same shall be submitted to the Legislature at its next session thereafter for its approval or rejection as a whole, without power of alteration or amendment, and if approved by a majority vote of the members elected to each House, it shall become a part of this Charter.

SEC. 26. All ordinances, orders and resolutions of the city and county in force at the time when this charter shall take effect, and not inconsistent therewith, shall continue in force until altered or repealed; provided that all franchises and privileges heretofore granted by the city and county, which are not in actual use or enjoyment, or which the grantees thereof have not in good

faith commenced to exercise, are hereby declared forfeited and of no validity, unless said grantees or their assigns shall, within one year after this charter takes effect, in good faith commence the exercise and enjoyment of such privilege or franchise.

SEC. 27. The Supervisors may appropriate a sum not exceeding one hundred thousand dollars, to be expended under the direction of the Park Commissioners in providing fresh water and building and equipping water works for the irrigation of Golden Gate Park and other public use.

SEC. 28. Unless otherwise provided for by law or by this Charter, elections of the Municipal Officers authorized by this Charter, to be elected by the people, shall take place every two years, at the General State Elections; and the term of such Municipal Officers shall commence on the first Monday after the first day of January next following their election; *provided*, the Assessor and Superintendent of Schools shall be elected, until otherwise changed by law, every four years, and members of the Board of Aldermen for the term of four years.

SEC. 29. All ordinances or resolutions for the improvement of any street, for which improvement no contract shall have been entered into at the time this Charter goes into effect, shall be and are hereby repealed.

SEC. 30. The Supervisors shall have power by ordinance, subject to the general laws of the State, to allow any trans-continental, or other steam railroad company, not having less than fifty miles of road actually constructed and in operation, and reaching the city and county line, to enter said city and county and make its way to the water front, or elsewhere, at the most convenient point for public convenience, and to grant necessary terminal facilities therefor; but no exclusive rights, franchises or privileges shall ever be granted, nor shall any railroad company ever have the exclusive right to lay tracks along, or around, or to occupy any more of the city front than is absolutely necessary for the enjoyment of such necessary terminal facilities; and, *provided further*, that no belt line railroad franchise or privilege shall ever be granted or allowed in said city and county on streets along and next to the water front thereof, unless owned by the City and County of San Francisco.

SEC. 31. All expenditures and payments by any and all departments of the City Government, for any and all purposes, payable out of the Treasury, except salaries fixed and established by law, ordinance or this Charter, shall be first authorized and passed by the Supervisors before they can be audited by the Auditor as in this Charter provided.

SEC. 32. Every Officer, Board and Department of the government of the city and county, shall be controlled by, and subject to, such general rules and regulations as the Supervisors may prescribe, by ordinance; and if the aggregate cost and expenses of such government shall be in excess of the income and revenue thereof, the Supervisors shall by ordinance so regulate and apportion the cost and expenses thereof, and of the several departments, so as to bring them within the yearly income and revenue.

SEC. 33. The several Courts in said city and county shall take judicial notice of all ordinances adopted by the Supervisors.

SEC. 34. Upon the ratification and approval of this Charter, as provided in Section 8 of Article XI. of the Constitution, it shall become the organic law of the City and County of San Francisco, and supersede any existing Charter and all amendments thereof, and all special laws inconsistent with such Charter.

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ARTICLE XVI.

Schedule.

SECTION 1. This Charter shall be published in the Daily Evening *Bulletin* and in the Daily *Examiner*, two daily papers of general circulation in the City and County of San Francisco, for at least twenty days; and after such publication, viz: on Saturday, the third day of March, A. D. 1883, it shall be submitted to the qualified electors of such city and county, at a special election, and if a majority of such qualified electors, voting thereat, shall ratify the same, it shall thereafter be submitted to the Legislature for its approval or rejection as a whole, without power of alteration or amendment, and if approved by a majority vote of the members elected to each House, it shall take effect as in section two of this Chapter provided. Such election shall be held on the third day of March, and shall be managed, conducted and regulated by the Board of Election Commissioners of such city and county, and shall be conducted in accordance with existing laws relating to elections in such city and county. The form of ballot at such election shall be either—

For the New Charter;

or,

Against the New Charter.

Sec. 2. In all respects and for all purposes this Charter shall take effect on the first Monday after the first day of January next succeeding the first general election held after its approval by the Legislature; *provided*, that the first election of all officers provided to be elected by the people, shall be held at the general election immediately preceding the time when it shall go into effect; for all purposes as aforesaid, and in all other respects, and for all other purposes, the officers, departments, boards, commissions and other public service and general administration of the municipal government, shall continue as at present, until the Charter goes into effect, for all purposes, as aforesaid, subject to the laws as they now exist.

Sec. 3. The Supervisors are authorized to appropriate and order paid out of the General Fund the expenses incurred, and that may be unpaid at the time this Charter takes effect in the preparation thereof by the Board of Free-holders, including the expense of publishing the same for twenty days in two daily newspapers, upon the certificate and allowance thereof by the President of such Board.

BE IT KNOWN, That the City of San Francisco, being consolidated in government with the County of San Francisco, and containing a population of more than two hundred thousand inhabitants, on the seventh day of November, A. D. 1882, at a general election, and under and in accordance with the provisions of Section 8, of Article XI, of the Constitution of this State, did elect a Board of fifteen Freeholders of such city and county, to prepare and propose a Charter for such city and county; and that we, the members of such Board, in pursuance of such provisions of the Constitution, and within a period of less than ninety days after such election, have prepared and do propose the foregoing, which we have signed in duplicate, as a Charter for such City and County of San Francisco.

In Witness whereof, we have hereunto set our hands this ninth day of January, in the year one thousand eight hundred and eighty-three.

JOHN S. HAGER, PRESIDENT.

JAMES B. STETSON,
FISHER AMES,
A. J. BRYANT,
W. C. BURNETT,
E. N. TORREY,
PATRICK HARRINGTON,
CHAS. KOHLER,
GEO. T. MARYE, JR.,
W. F. McNUTT,
IRA P. RANKIN,
N. B. STONE,
JOHN F. SWIFT,
ROBERT TOBIN,
RUSSELL J. WILSON.

Attest: A. E. T. WORLEY, Secretary.

